

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
HIPOLITO MARTINEZ-MARTINEZ,)
)
Defendant.)

CASE NO. 4:17-CR-217

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JHONATAN RANGLE,)
)
Defendant.)

CASE NO. 4:17-CR-218

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JUAN RANGEL-RUBIO,)
)
Defendant.)

CASE NO. 4:17-CR-219

TRANSCRIPT OF EVIDENTIARY HEARING
BEFORE THE HONORABLE G. R. SMITH
United States Courthouse
125 Bull Street
Savannah, GA
December 13, 2017

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United States Court Reporter
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(Proceedings recorded by FTR, transcript subsequently produced by mechanical stenography and computer-aided transcription.)

P R O C E E D I N G S

(10:04 a.m.)

THE CLERK: Court calls the case of the *United States of America vs. Hipolito Martinez*, Criminal Case Number CR 4:17-217; Jhonatan Rangel, Criminal Case Number CR 4:17-218; Juan Rangel-Rubio, Criminal Case Number 4:17-219.

MS. GROOVER: Tania Groover on behalf of the government. We are ready to proceed, Your Honor.

MS. COPELAND: Good morning, Judge. Amy Lee Copeland for Mr. Martinez. We are also ready this morning.

THE COURT: All right. We need the services of an interpreter, I'm told. So if you would administer the oath.

THE CLERK: Please raise your right hand, Mr. Maldonado.
(Interpreter sworn)

THE CLERK: Please state your name for the record.

THE INTERPRETER: Jorge Maldonado.

MS. HESSE: Your Honor, good morning. Tina Hesse. I represent Jhonatan Rangel.

THE COURT: All right. Good morning to each of you.

Now, there is a third defendant that we've brought here, Mr. Juan Rangel-Rubio, who is represented by attorney James Blackburn. I'm told he's not present. His client is. He had filed a preliminary motion to suppress, he called it. And in there he said he was filing it in general form. But he did not return the standard notice that we have developed for use in

1 criminal cases for a defendant's attorney to give specific
2 notice to the Court about which of the many motions they
3 typically file really need a hearing; in other words, what is
4 still unresolved. He did not file it.

5 MS. GROOVER: No. That is correct, Your Honor.

6 THE COURT: Have you heard from him?

7 MS. GROOVER: I have not, Your Honor.

8 MS. COPELAND: He called me yesterday afternoon. He
9 needed to know what length of time one had to file a notice of
10 appeal following a judgment in a federal criminal case. And we
11 had this discussion yesterday afternoon about 4 or 4:15. And at
12 the end of it I said, "I will see you in the morning, Jay." And
13 he said, "oh." That was the only discussion that I have had
14 with him, but I have spoken with him and mentioned this
15 morning's hearing to him specifically.

16 THE COURT: Well, I don't know what all this means,
17 whether -- he's not formally withdrawn the motion. But it is in
18 general form. It doesn't meet the rules. We're certainly not
19 going to proceed with a hearing today as to his client when he's
20 not here with his client. So it's very strange. He doesn't
21 usually fail to appear for noticed proceedings, particularly
22 after a reminder by co-counsel the day before. So I'll just
23 have to put that case aside. And we'll address the other two
24 defendants who are here and who are represented.

25 MS. COPELAND: Judge, as a housekeeping matter, will we

1 be cross-examining the officer *ad seriatim* or do you want us to
2 keep this separately or how do you want us to proceed?

3 THE COURT: Well, the Court is flexible in that.
4 Economy, both of my time and yours, is always of paramount
5 consideration. I think the government may have some witnesses
6 here. Is that right?

7 MS. GROOVER: We do, Your Honor. The government intends
8 to call two witnesses to establish how the search warrant was
9 obtained and how it was executed, Your Honor, if Your Honor
10 would permit.

11 THE COURT: All right. I would guess after the
12 witnesses for the government testify, the defense counsel will
13 each get a shot at cross-examining; and then if you need to
14 introduce your own evidence -- and Amy Lee, I see you have
15 some -- then you may proceed to do it.

16 Counsel may be seated a minute. You know, this case
17 arose because, everybody knows, officers investigating a murder
18 in Effingham County obtained a warrant to search for the murder
19 weapon.

20 Mr. Blackburn, you're late.

21 MR. BLACKBURN: Yes, sir. I brought my checkbook.

22 THE COURT: Well, I mean we're into this proceeding now.
23 Why are you sitting in the back of the courtroom? If you're a
24 lawyer appearing for a client here, come up. You know how it
25 works.

1 Let's begin by asking you, do you still -- this
2 preliminary motion to suppress that you said that was filed in
3 general form --

4 MR. BLACKBURN: I have supplemented it.

5 THE COURT: Oh, I haven't seen any supplement.

6 MR. BLACKBURN: And it will be entered into the record
7 today.

8 THE COURT: Today? That's a little untimely, sir. What
9 is your supplement?

10 MR. BLACKBURN: It further outlines our contentions and
11 the law we claim that applies.

12 THE COURT: And what is your contention?

13 MR. BLACKBURN: That basically the warrant was not
14 specific enough as to where they were searching and that it was
15 specific as to one residence, not to a 26-acre parcel of land
16 and not to every building, outhouse and shed --

17 THE COURT: That's the same argument raised in the other
18 briefs, that there was a violation of the Fourth Amendment
19 particularity requirement.

20 MR. BLACKBURN: Yes, sir.

21 THE COURT: That's it?

22 MR. BLACKBURN: That's basically it.

23 THE COURT: All right. As I was saying, we have -- the
24 warrant that was issued by a state magistrate in Effingham
25 County to search for the murder weapon led to the discovery -- I

1 don't know if it led to the discovery of the murder weapon or
2 not, but it led to the discovery of various firearms, including
3 the firearms that each of these defendants has been charged with
4 possessing as an illegal alien. Each defendant has contested
5 the validity of the warrant and to some extent the manner in
6 which the warrant was executed.

7 Having read the briefs thoroughly, and I have certainly
8 studied the warrant affidavit and the application; and Amy Lee,
9 you gave me the police report that talks about the execution.
10 I've read that very carefully. And it seems to me from my
11 survey of all that material that we have four questions to
12 consider today.

13 First, what is the proper interpretation of this
14 warrant? What did it authorize? Did it -- and there's a
15 dispute about it. Did it authorize a search of the tan-colored
16 modular home where the chief suspect, Pablo Rangel, resided as
17 is contended by some of the defendants, or all of them? Or did
18 it also authorize a search of each of the multiple dwellings and
19 vehicles that were set forth, listed in the property description
20 paragraph of the warrant; and of course, what was listed there
21 is a gray mobile home with white trim and a pull-behind camper,
22 and eight to ten vehicles are listed or mentioned there. So
23 that's the first question.

24 The second -- and that may require the taking of
25 evidence, and I think the parties think it will. If the warrant

1 is determined to have authorized this broader search of all
2 dwellings and vehicles on this Pablo Rangel's property, did the
3 state magistrate err in finding probable cause for such a
4 broader search? And assuming the state magistrate did err, did
5 these officers, nevertheless, have an objective, good-faith
6 belief in the warrant's validity? That is, the question in the
7 *Leon* case, would a reasonable officer have known that despite
8 the issuance of the warrant, that the probable cause was so
9 lacking that any search under that warrant would be illegal?

10 And finally, the question about the execution. Did the
11 officers act reasonably in the manner in which they executed
12 this warrant? So the particularity argument that has been
13 raised would merit the taking of evidence about what these
14 officers knew or should have known about the property
15 description and how you would tell the judge and how the warrant
16 would be framed and what it would authorize, the search of what
17 specific property. So were they -- did they make a reasonable
18 effort to identify the place with the particularity the Fourth
19 Amendment requires? And also, we may need evidence on the facts
20 relating to the execution of the warrant.

21 Now, as to the question of probable cause, in assessing
22 probable cause, the Court is limited to the facts that were
23 presented to the state magistrate. So far I've been assuming
24 that all of the facts presented to the state magistrate are set
25 forth within the four corners of this affidavit that I've read

1 that the parties have furnished me. Was any other information
2 presented to that state magistrate?

3 MS. GROOVER: It's my understanding there was with
4 respect to the description of the property, Your Honor.

5 THE COURT: And do you have evidence you intend to
6 introduce regarding that?

7 MS. GROOVER: I have a witness, Your Honor, the witness
8 that was present and provided the testimony to the magistrate.

9 THE COURT: Well, Georgia Law, unlike federal law, does
10 allow for information that was presented to the magistrate to be
11 in oral form. That wouldn't work here. So I was afraid of
12 that, we might be getting into that kind of testimony. But
13 we'll address it as it arises.

14 All right. How many witnesses do you have?

15 MS. GROOVER: The government has two witnesses, Your
16 Honor.

17 THE COURT: Do you have any?

18 MS. COPELAND: Your Honor, I think a lot depends on what
19 the government's witnesses have to say as to whether or not we
20 will be calling anyone. I also have my client's affidavit in
21 the record establishing that's where he resided and that was
22 where he received his mail.

23 THE COURT: You know, somehow I missed the affidavit,
24 but I assumed it was there. You said you would be forthcoming
25 with it.

1 MS. COPELAND: It's Document 27, and the attachment is
2 27. Your Honor, if I may approach, I --

3 THE COURT: You can give it to the clerk. I'm sure it
4 says -- Tina, I've got your affidavit where you say --

5 MS. HESSE: Yes, Your Honor.

6 THE COURT: I'm sorry we're having to put up with this.
7 If I knew how to put a piece of paper in there to stop this from
8 vibrating, I'd do it.

9 All right. Let's have your witnesses stand. Let's
10 place them under oath.

11 THE CLERK: Would the witnesses please stand and raise
12 your right hand.

13 MS. HESSE: Would the defense --

14 (Witnesses sworn)

15 THE COURT: Any requests to exclude any witness?

16 MS. GROOVER: The government would request to exclude
17 any witness that's not a defendant, Your Honor.

18 THE COURT: Well, I didn't see anybody on the defense
19 side.

20 MS. COPELAND: Your Honor, the government is limited to
21 one case agent at the table, I believe, and so I would ask for
22 the non case agent to step out.

23 MS. GROOVER: The case agent is Special Agent Harley
24 Snipes, who's not -- at this time will not be called, and the
25 two witnesses I will ask that they step out then.

1 THE COURT: Well, you need one of them right now, don't
2 you?

3 MS. GROOVER: I do.

4 THE COURT: All right. Well, call that witness. Let me
5 have the other witness step out of the courtroom.

6 MS. GROOVER: Yes, Your Honor. The government calls
7 Detective Robert Rodriguez.

8 THE CLERK: Sir, you have just been sworn. If you
9 would, please be seated. State your name and your occupation
10 for the record, please.

11 THE WITNESS: Roberto Rodriguez, I'm a detective with
12 the Garden City Police Department.

13 ROBERTO RODRIGUEZ, having been previously
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. GROOVER:

17 Q. What are your duties as a detective, sir?

18 A. I do forensics as well as investigate all type of crimes,
19 from petty larceny to homicide.

20 Q. And as part of a detective, does that include obtaining
21 search warrants?

22 A. Yes, ma'am, it does.

23 Q. And generally, can you describe the process for the Court
24 that you go through when you obtain a state search warrant?

25 A. First thing we have to have is we have to try to build

1 some kind of probable cause to obtain the item to be searched,
2 whether it be an electronic device, residence or vehicle. With
3 that being said, we type up the search warrant --

4 MS. COPELAND: Your Honor, may I ask the witness to
5 speak a little bit more slowly? It is very rapid fire. I'm
6 having trouble following.

7 THE COURT: Well, people can only do so much about their
8 rhythms of speech. But Detective Rodriguez, to the extent that
9 you can slow down a little bit, if you will do that, please.

10 THE WITNESS: Yes, sir. Will do. We gotta build the
11 probable cause first. First off, we have to have a crime. We
12 build the probable cause. We annotate the probable cause, and
13 we go to the jurisdiction where the search warrant is to be
14 filled out and have it signed by either a magistrate or superior
15 court judge in that jurisdiction.

16 BY MS. GROOVER:

17 Q. Do you -- and for that process do you prepare your own
18 search warrant? Do you actually type it up or does someone else
19 type it up?

20 A. I type it up myself.

21 Q. And do you submit it to a prosecutor or attorney to review
22 it before you go in to touch base with the magistrate or the
23 superior court judge?

24 A. On some occasions we do. On this particular occasion,
25 this was proofread by a sergeant as well as a captain in the

1 criminal investigations division.

2 Q. In this particular case was this presented to a
3 prosecuting attorney?

4 A. As far as the search warrant goes, no. As far as the
5 information reference to the search warrant to obtain a search
6 warrant, that was with Assistant District Attorney Frank
7 Pennington from the Chatham County DA's office.

8 THE COURT: So the answer is you did -- the warrant was
9 reviewed by --

10 THE WITNESS: It was -- I verbally annotated what the
11 context of the search warrant was to see if I had enough
12 probable cause to obtain a search warrant.

13 THE COURT: So you called --

14 THE WITNESS: Yes, sir.

15 THE COURT: -- the assistant district attorney --

16 THE WITNESS: Yes, sir.

17 THE COURT: -- and told him what you were up to and what
18 the warrant affidavit said?

19 THE WITNESS: Yes, sir.

20 BY MS. GROOVER:

21 Q. Did he personally review the four corners of the document?

22 A. Not the verbiage, no, ma'am.

23 Q. Okay. And do you speak Spanish?

24 A. Yes, ma'am, I'm bilingual.

25 Q. Fluent Spanish?

1 A. Yes, ma'am.

2 Q. And were you assigned to the homicide investigation that
3 occurred on August the 19th of 2017?

4 A. Yes, ma'am, I was.

5 Q. And could you describe for the Court how the events took
6 place?

7 A. On this particular day I was actually investigating a
8 separate homicide that occurred the night prior. I was in the
9 area when the call came out for an unresponsive male lying on
10 the ground next to a work truck on Old Dean Forest Road. I was
11 one of the first responding officers. I saw the first officer
12 trying to obtain vitals or see if there was a pulse on the
13 victim. She advised no.

14 EMS arrived a short time later, put some leads on him,
15 which was to see if he had any heart rhythm or if he was
16 breathing. They advised no.

17 At that time when they turned him over, they advised that
18 he had what appeared to be a gunshot wound to the back of his
19 head.

20 Q. Did the investigation determine that he appeared to be
21 shot multiple times with a possible .22-caliber weapon?

22 A. Yes, ma'am. That was -- we found that out two days later.

23 Q. On or about the 19th of August at the time when you found
24 Mr. Montoya, did you determine at that time that it was a
25 small-caliber weapon that had shot him?

1 A. The hole that entered his body was smaller. So we ruled
2 that it was possibly going to be a smaller caliber ammunition.

3 Q. Did you speak with members of Mr. Montoya's family and as
4 well as --

5 THE COURT: Well, I know he did. I've read the warrant
6 affidavit. And nothing he says here can expand the warrant
7 affidavit, unless he's telling me, I told the judge this and
8 that wasn't in the affidavit.

9 MS. GROOVER: Yes, sir.

10 THE COURT: So why go through everything that's in the
11 affidavit? I mean I've read it carefully. I know -- I don't
12 want to interrupt the flow of the presentation. In other words,
13 the officer is probably -- you told him, I'll be asking you
14 these questions. And I don't want to disrupt the government's
15 presentation. That's not my intent. But I know what's in the
16 affidavit.

17 MS. GROOVER: Yes, sir.

18 BY MS. GROOVER:

19 Q. Based on your investigation, did you prepare a search
20 warrant in this case?

21 A. Yes, ma'am, I did.

22 Q. And the search warrant that we just discussed that you
23 discussed verbally with the prosecutor's office, but they did
24 not review.

25 A. Correct.

1 MS. GROOVER: Your Honor, may I approach the witness?

2 THE COURT: You may.

3 BY MS. GROOVER:

4 Q. Sir, I'm handing you what's been marked for identification
5 purposes as Government Exhibit 1. Can you take a look at that
6 and tell me if you recognize that, sir?

7 A. Yes, ma'am, I do.

8 Q. And what is that?

9 A. It is a copy of my affidavit and search warrant as well as
10 two exhibits in the back.

11 Q. And is this a copy of what you prepared to present to the
12 judge?

13 A. Yes, ma'am, it is.

14 Q. And let's start with the property description.

15 A. Okay.

16 Q. How did you -- first, have you ever been to 235 Milton
17 Rahn Road before?

18 A. Prior to this investigation, no, ma'am.

19 Q. Okay. How did you determine the description of 275 Milton
20 Rahn Road?

21 A. Investigative leads led us to a potential suspect living
22 at 275 Milton Rahn Road in Rincon, Georgia. I'm not a resident
23 of Rincon, so I relied a lot of the information as to Sergeant
24 Don White of the Effingham County Sheriff's Department. He
25 composed reports as well as got patrol officers' information in

1 reference to this residence. He advised me that it's a very
2 secluded area. It's over 20 acres of land. He stated that if
3 any vehicle or any police car drives on the property, it will be
4 easily identified, and if there was a potential suspect, murder
5 suspect on the property, they'll get spooked or they'll get
6 scared, and any evidence that could possibly be there would
7 be -- they would get rid of it.

8 Q. Based on that information, did you determine it was in the
9 best interest of the investigation to not attempt to go into the
10 property?

11 A. Yes, ma'am. Based on that reason only.

12 Q. Did you do independent research about the property in
13 determining the description of the suspect's residence?

14 A. Yes, ma'am, I did.

15 Q. Describe that process for the Court.

16 A. I did a background on Mr. Pablo Rangel on the website
17 called TLO. It's an investigative tool we use to obtain
18 telephone numbers and addresses. That address came back to
19 Mr. Pablo Rangel. I asked Effingham for their property records
20 website to annotate any kind of property records that had been
21 filed in their county. They provided me a website, which I was
22 able to get on, and I believe it's qPublic.net, which is run by
23 Effingham County. And it showed that the residence was owned by
24 Pablo Rangel, and it was 26.65 acres.

25 THE COURT: When you say the residence was 26.65 --

1 THE WITNESS: The property.

2 THE COURT: -- acres, you're using residence to mean
3 what?

4 THE WITNESS: Just the property itself. The land.

5 THE COURT: Okay.

6 BY MS. GROOVER:

7 Q. And did you print a document from that qpublic.net website
8 regarding the property owned by Pablo Rangel?

9 A. Yes, ma'am. I attached that as well as a Google Earth
10 image with highlighted images of the property to be searched,
11 and that was presented to the magistrate court judge, Ms. Rhonda
12 Sexton.

13 Q. And specifically, is Exhibit A the printout from
14 qPublic.net describing the property owned by your murder
15 suspect, Pablo Rangel?

16 A. Yes, ma'am.

17 Q. And is Exhibit B to the affidavit an overview map from
18 Google Maps of the property owned by the murder suspect?

19 A. Yes, ma'am.

20 Q. Now --

21 THE COURT: That zoomed-in shot of Exhibit B appears to
22 show a road coming out of the bottom right-hand corner that then
23 turns and curves. That road, what is that road we're looking at
24 there?

25 THE WITNESS: That is a dirt road that leads from

1 multiple other dwellings. You've got to drive on the dirt road
2 to get to this actual property.

3 THE COURT: I understand -- you concede --

4 THE WITNESS: Yes, sir.

5 THE COURT: -- this Exhibit B, all right, it's the same
6 picture. This road coming out, if you keep going down into the
7 white part of the page, where do you go?

8 THE WITNESS: It'll take you -- after you travel for
9 several hundred acres of woods, it'll take you back to the main
10 road.

11 THE COURT: And what is the name of that main road?

12 THE WITNESS: I believe it's actually either Milton Rahn
13 or Rahn Road.

14 THE COURT: Is there a Rahn Station Road?

15 THE WITNESS: I believe that's it, yes, sir. Rahn
16 Station Road.

17 THE COURT: The reason I'm saying that is because
18 Ms. Copeland representing Mr. Martinez took some photographs of
19 some mailboxes at that intersection. So you agree this Milton
20 Rahn Road -- is this Milton Rahn Road in this Exhibit B or is
21 that a private drive?

22 THE WITNESS: Like I said, it's not an actual road, a
23 paved road. It's in the woods. It's a dirt road that looks
24 like it was created, and it leads all the way to the back of
25 this property.

1 THE COURT: Is that publicly maintained what we're
2 seeing here in this picture?

3 THE WITNESS: From what I saw, Judge, no. I would not
4 say it was publicly maintained property.

5 THE COURT: So you think that's a private drive?

6 THE WITNESS: Yes, sir. Yes, sir.

7 BY MS. GROOVER:

8 Q. And that was your understanding when you prepared the
9 warrant?

10 A. Yes, ma'am.

11 Q. That you needed permission to get on it?

12 A. Correct. Yes, ma'am.

13 THE COURT: You haven't mentioned yet -- he's talked
14 about he was seeking -- earlier, he'd never been before to 275
15 Milton Rahn Road in Rincon, and yet there's a reference in the
16 affidavit to Springfield. Were you initially under the
17 impression that this road was in Springfield, Georgia?

18 THE WITNESS: No. We interviewed a witness in reference
19 to we had a signed affidavit that led us to this actual
20 residence. And it was that witness who provided us Springfield,
21 Georgia. It was unknown at the time. So at the time two search
22 warrants were actually compiled, one with the actual Springfield
23 address and one with Rincon address. And when the Rincon
24 Sergeant Don White proofread the report, he's the one that told
25 me at that time that it was an actual Rincon address.

1 BY MS. GROOVER:

2 Q. In your affidavit you reference an individual that
3 indicated Pablo Rangel had family members that lived with him.

4 A. Yes, ma'am.

5 Q. Did that individual specifically say he lived in
6 Springfield?

7 A. Yes.

8 Q. And is that why your affidavit references Springfield?

9 A. Correct.

10 Q. But the overall property description references Rincon,
11 Georgia.

12 A. Yes, ma'am.

13 THE COURT: Go ahead and identify the witness. I've
14 read the affidavit enough, I know all the names.

15 MS. GROOVER: Yes, sir.

16 BY MS. GROOVER:

17 Q. Joel Reyes.

18 A. Joel Reyes, yes, ma'am.

19 Q. You interviewed him prior to obtaining the search warrant;
20 is that correct?

21 A. Yes, ma'am.

22 Q. And what specifically did he tell about the murder
23 suspect?

24 A. He said that the murder suspect had problems with the
25 victim. Specifically, he said that if he didn't back off of

1 pressuring the fact that the suspect was an illegal alien, I
2 guess picking on the actual -- the illegal aliens as well and
3 pressuring them for money, he was actually going to have him
4 killed. Those were his exact words.

5 Q. And --

6 THE COURT: Go ahead.

7 Q. Did you learn also that Pablo Rangel had a family member
8 that lived with him on a trailer on his property?

9 A. Yes, ma'am. He provided a name of Refugio. That
10 information was brought forward to him. It was Refugio and I
11 believe Carlos Perez.

12 Q. And the witness, Joel Reyes, told you this information?

13 A. Yes.

14 Q. Were you able to identify that in 2014 Refugio was in fact
15 arrested with a .22-caliber firearm?

16 A. Yes, ma'am.

17 Q. And did your investigation also determine that that was
18 possibly --

19 A. At that time we suspected a .22 caliber was used for the
20 murder.

21 Q. And you placed all of this in your affidavit?

22 A. Yes, ma'am.

23 Q. And --

24 THE COURT: Well -- go ahead. Go ahead.

25 MS. GROOVER: I'm sorry, sir. I don't mean to interrupt

1 you.

2 THE COURT: Well, no. I mean what's in the affidavit --
3 there's a reference in there to Springfield, which you've
4 explained, or tried to. But you say Refugio lives in a trailer
5 located on his uncle's property located at 275 Milton Rahn Road.
6 That information came from your witness you were interviewing?

7 THE WITNESS: Yes, sir.

8 THE COURT: He knew the 275 Milton Rahn Road address?

9 THE WITNESS: No, he did not. No. He said the uncle --
10 he identified the property as a large area that they call --
11 he's an employee of the company. He's been there before, and
12 they call it Farm because they have animals on the property.

13 THE COURT: All right. So the victim -- I mean this
14 Refugio lived in a trailer on -- he couldn't be more specific
15 than that?

16 THE WITNESS: No. No.

17 THE COURT: All right.

18 BY MS. GROOVER:

19 Q. Did you discuss with Effingham County deputies and law
20 enforcement who had actually been to this property about whether
21 or not there were other trailers on this property?

22 A. Yes. They're the ones that actually told me there was
23 multiple other trailers on there, multiple vehicles, multiple
24 people. They also told me as well that they've had numerous
25 shots-fired complaints coming from that residence as well.

1 Q. And the description --

2 THE COURT: When you say residence, again, you're
3 talking about this property?

4 THE WITNESS: In this instance they described it as
5 multiple trailers, campers.

6 THE COURT: But I mean the gunshots, were they specific
7 as to any particular dwelling on the property or people --
8 neighbors could hear gunfire from someplace on the property?

9 THE WITNESS: Yeah, the neighbors were calling on the
10 actual 275 Milton Rahn Road. They were not specific on an
11 actual trailer and area it was coming from. They were just
12 coming from that area.

13 THE COURT: All right.

14 BY MS. GROOVER:

15 Q. And your understanding of 275 Milton Rahn Road was this
16 26-acre property that -- land owned by Pablo Rangel?

17 A. Yes, ma'am.

18 Q. And it's your further understanding, based on discussions
19 with other law enforcement officers who had actually been to the
20 property, that there were multiple trailers or campers or places
21 to live on the property?

22 A. Yes, ma'am.

23 Q. It's further your understanding from speaking with the
24 witness, Mr. Reyes, that family members of Pablo Rangel lived in
25 these trailers or campers on his property?

1 A. Yes, ma'am.

2 Q. And it's further your understanding based on your
3 investigation that one of these family members was arrested with
4 a caliber firearm that matched -- possibly matched the caliber
5 firearm shot that Mr. Montoya was shot with?

6 A. Yes, ma'am.

7 THE COURT: This was the Refugio character?

8 THE WITNESS: Yes, sir.

9 BY MS. GROOVER:

10 Q. The description that you placed in the search warrant, at
11 the time you used dwelling, residence, trailer, camper.

12 THE COURT: Land. Don't leave out land.

13 BY MS. GROOVER:

14 Q. And land. Can you describe for the Court why you switched
15 from using the terms?

16 A. From dwelling to --

17 Q. To camper to land throughout the affidavit. Is there a
18 particular reason?

19 A. No, ma'am. Just the verbiage changed.

20 Q. And why did you change the verbiage?

21 A. There's no apparent reason. It's just -- I guess
22 originally when I started typing the search warrant, it was
23 for -- I thought it was just going to be one residence on there.
24 But then the more I read into the interview with Joel and then
25 the interview I did with Effingham County, it changed from an

1 actual residence to multiple trailers and multiple campers. In
2 the property there was actually campers and trailers.

3 THE COURT: Did you know whether or not any of these
4 other dwellings or any of the dwellings had listed addresses
5 separate from number 275?

6 THE WITNESS: No, sir.

7 THE COURT: Go ahead.

8 BY MS. GROOVER:

9 Q. What magistrate did you meet with when you presented this
10 warrant?

11 A. It was Judge Rhonda Sexton from the Effingham County.

12 THE COURT: What's the first name?

13 THE WITNESS: Rhonda.

14 THE COURT: Rhonda Sexton.

15 THE WITNESS: Yes, sir.

16 BY MS. GROOVER:

17 Q. Attachment Exhibit A and B describe the property that your
18 intention was to search. And was it your intention that you
19 were seeking a search warrant to search all of the campers and
20 trailers and homes on this property?

21 A. Yes, ma'am. And the sole reason was that .22-caliber
22 rounds could be small, as small as a hand pistol to as large as
23 a rifle. Guns are easily -- you can put them anywhere:
24 Vehicles, campers, residence. So that was the main reason I
25 wanted to search the property.

1 Q. And was it also your intention to search all of the
2 trailers and campers and homes and dwellings -- I use the term
3 broadly because they were referred to broadly throughout the
4 warrant -- because it was your understanding that you had
5 probable cause that family members may live at these other --

6 A. Yes, ma'am.

7 THE COURT: Did you know whether the victim was shot --
8 you thought it was a small-caliber weapon?

9 THE WITNESS: Yes, sir. I presumed -- I'm not a gun
10 expert. Originally -- I've shot .22-caliber bullets, and I know
11 the size hole that the .22 makes, but then my captain, is former
12 military, advised that the same hole could be made by a .223; an
13 assault rifle will leave about the same size hole on it. So at
14 that point we went from a .22 to it could possibly be a larger
15 semiautomatic rifle.

16 THE COURT: Well, I was going to ask if you had -- in
17 looking for a weapon if you knew whether it was a pistol or a
18 rifle.

19 THE WITNESS: It was unknown.

20 THE COURT: All right.

21 THE WITNESS: There was no shell casings recovered on
22 scene, so --

23 THE COURT: So you're looking for a small-caliber
24 weapon?

25 THE WITNESS: What we suspect, yes, sir.

1 THE COURT: All right.

2 BY MS. GROOVER:

3 Q. When you met with the Magistrate Sexton, describe that
4 process for the Court.

5 A. I called her the evening of the 18th. I advised her that
6 we had some deputies provide information in reference to the
7 address of coming back to Rincon.

8 Q. You mean the evening of the 19th.

9 A. The evening of the 19th. Yes, ma'am. We made an agreement
10 that we would meet on the 20th and would have the search warrant
11 executed on that day. I met with her. She drove to the
12 Effingham County Sheriff's Department, and I provided her with
13 the affidavit and application for search warrant.

14 Q. Did you -- at the time when you provided her the search
15 warrant, did you explain to her that you had never been on this
16 property before?

17 A. Yes, ma'am. I advised her that the search warrant was
18 based on information provided by her deputies, the Effingham
19 County deputies.

20 Q. And did you further explain that it was your intention and
21 understanding that you were seeking a warrant to search all of
22 the campers and trailers and homes and residences on the
23 property owned by Pablo Rangel, that is, the 26 acres?

24 A. Yes, ma'am.

25 THE COURT: Say that again. You advised her what?

1 THE WITNESS: That I was going to be searching the
2 26.65-acre land with all the dwellings, trailers and mobile
3 homes on the property to include the vehicles.

4 BY MS. GROOVER:

5 Q. And you list eight to ten vehicles on the property?

6 A. Yes, ma'am.

7 Q. And why did you have a general range of number of
8 vehicles?

9 A. That's what Effingham County provided there's usually
10 between nowhere -- when they've been on the property, there's
11 been an array of vehicles ranging between eight to ten vehicles.

12 Q. And you provided the number of vehicles and the number of
13 trailers and campers and homes that it is your understanding
14 from other officers who were on this property, provided that
15 information to the magistrate?

16 A. Yes, ma'am.

17 Q. And did you explain you were seeking a warrant to search
18 all of that?

19 A. Yes, ma'am.

20 Q. And did the magistrate have any questions about that?

21 A. No, ma'am.

22 Q. And did you provide all this information under oath when
23 you obtained your search warrant?

24 A. Yes, ma'am.

25 Q. Was it recorded?

1 A. It was not, no, ma'am.

2 Q. Was anyone else --

3 THE COURT: And how were you placed under oath?

4 THE WITNESS: She had me raise my right hand, and she
5 swore me in.

6 THE COURT: Was that before or after she read the
7 affidavit?

8 THE WITNESS: It was before she read the affidavit.

9 THE COURT: And in the course of that reading of the
10 affidavit, she asked you questions or you started volunteering
11 information?

12 THE WITNESS: She asked me -- before she swore me in,
13 she asked if I had any oral testimony, and at that point she
14 said she had to swear me in. That's when I advised her that the
15 search warrant -- I gave her the circumstances surrounding the
16 search warrant as well as the verbiage in the search warrant
17 prior to her reading it, as well as she asked me -- I informed
18 her that it's not common practice for me to obtain pictures from
19 Google Earth as well as the property records; however, I've
20 never been on the property, and that was the sole reason of
21 providing that, because I was basing my information on the
22 Effingham County deputies.

23 BY MS. GROOVER:

24 Q. And have you presented other warrants to Magistrate Sexton
25 before?

1 A. No, ma'am, this is my first warrant.

2 Q. Okay. So you explained why those maps and aerials were
3 submitted?

4 A. Yes, ma'am.

5 THE COURT: What exactly -- and you may have already
6 brought this out. What was exactly told to the magistrate
7 that's not in the affidavit?

8 BY MS. GROOVER:

9 Q. Did you explain to the magistrate that you had never been
10 on the property?

11 A. Yes, ma'am.

12 Q. And that this description that was in the warrant came
13 from other law enforcement officers?

14 A. Yes, ma'am.

15 Q. And that it was your intention to search every single
16 trailer, camper, home, dwelling on the property?

17 A. Yes, ma'am.

18 Q. Which is why the description says multiple dwellings?

19 A. Yes, ma'am.

20 Q. And then you further explained that you described these
21 trailers, campers, dwellings to the best you could from other
22 officers' observations?

23 A. Yes, ma'am.

24 Q. But notwithstanding the limited description, it was your
25 intention, and this was told to the magistrate under oath, that

1 you were seeking a warrant to search all of the dwellings?

2 A. Yes, ma'am. Yes, ma'am.

3 THE COURT: Did the term 275 Milton Rahn Road come up
4 about any issue, about, well, are there any other addresses
5 there? Did that come up during your discussion with the judge?

6 THE WITNESS: I don't recall, no, sir.

7 THE COURT: All right.

8 BY MS. GROOVER:

9 Q. Was there any other additional testimony that you provided
10 to the magistrate that is not in the warrant?

11 A. No, ma'am.

12 Q. After you obtained your search warrant, did you meet with
13 other law enforcement officers who assisted you in the execution
14 of the warrant?

15 A. Yes, ma'am. We met at the -- we were all stationed at the
16 Effingham County Sheriff's Department.

17 Q. And who all was that?

18 A. It was -- HSI was there. FBI was there. Effingham County
19 sheriff's officers and detectives as well as Garden City Unit K9
20 Units as well as our detectives.

21 Q. And did you have -- why did you have Effingham County
22 present?

23 A. It's their jurisdiction.

24 Q. Were they also familiar with the property?

25 A. Yes, ma'am.

1 Q. Did you brief everyone involved?

2 A. Yes, ma'am.

3 Q. Did you explain that there was a .22-caliber weapon that
4 was possibly the murder suspect -- it was possibly the murder
5 weapon and that the murder suspect lived on a trailer on the
6 property?

7 A. Yes, ma'am. And I also informed -- I showed them a
8 picture of Mr. Carlos Perez and Mr. Refugio who were supposed to
9 be on the property from the information we received. I believe
10 they both had active warrants out for their arrests as well.
11 That was brought as well -- I informed them as well, because at
12 this point I needed to talk to both of them, not only for the
13 warrant, as well as the fact that he was in possession of a .22-
14 caliber pistol.

15 THE COURT: I note -- I don't see anywhere the reference
16 to Carlos Perez in the affidavit or the police report.

17 THE WITNESS: It was brought up before in my interview
18 with Joel. I did associates of Pablo Rangel with that address,
19 and their names popped up. And those pictures were shown to
20 Joel during the interview.

21 BY MS. GROOVER:

22 Q. But this was not information --

23 A. No, no, no.

24 Q. -- (simultaneously speaking) nor information presented to
25 the magistrate?

1 A. No, ma'am.

2 Q. This was just your investigation that you were debriefing
3 the officers?

4 A. Yes, ma'am.

5 Q. Prior to executing the search warrant?

6 A. Correct.

7 Q. So the officers knew that they were searching for family
8 members or friends who had guns that lived on a trailer on this
9 property; is that correct?

10 A. Yes, ma'am.

11 Q. Can you describe for the Court in general how -- general
12 terms, how did you go about executing this search warrant? Who
13 was in charge and what took place?

14 A. I had the search warrant, however, I let Effingham captain
15 as well as Sergeant Don White, who was my liaison in the case, I
16 let him create the operational plan because he was more familiar
17 with that property than I was. I can tell you the area was very
18 dense. We had to take mostly SUVs and pickup trucks in the area
19 as well as all-terrain vehicles, ATVs. Everybody had a
20 residence that they were to go secure. My job was to secure the
21 main residence where the target Pablo Rangel was to be residing
22 at.

23 THE COURT: And how many structures, dwelling places did
24 you think were on the property?

25 THE WITNESS: From what they told me --

1 THE COURT: If you had already identified, well, each
2 officer will go to a different place, you must have had some
3 idea about how many places were there.

4 THE WITNESS: Three to five.

5 THE COURT: Three to five.

6 THE WITNESS: Yes, sir. Because they said that there's
7 campers -- pull-behind campers that are occasionally on the
8 property.

9 BY MS. GROOVER:

10 Q. What was your job?

11 A. My job was to go to the main house, secure anybody inside
12 of that residence and then was to take operational control as
13 far as now the search warrant aspect goes. So my job was to
14 photograph the scene and collect and secure all the evidence
15 obtained from the residence.

16 Q. And when you say photograph the scene and collect all the
17 evidence, are you talking about just the main residence that you
18 went to or --

19 A. No, ma'am. Every -- every residence, every camper, every
20 house, every vehicle.

21 Q. So you then were in charge of the whole search --

22 A. Yes, ma'am.

23 Q. -- that went from location to location?

24 A. Yes, ma'am.

25 THE COURT: From reading your police report that

1 references -- let's see. Let me pull that up. It was in your
2 second supplement, Amy Lee, Document 39.

3 MS. COPELAND: Yes, sir.

4 THE COURT: All right. I tried to go through and count
5 the number of places that were actually entered, and you give
6 designations to those places as house number one, house number
7 two, with various bedrooms, camper number three.

8 THE WITNESS: Yes, sir.

9 THE COURT: And Mr. Rangel's personal residence. It
10 looks like from the best I could determine that four different
11 dwelling places were entered?

12 THE WITNESS: It was a total of one, two, three -- yes,
13 sir. It was a total of four.

14 THE COURT: All right. I was just trying to get
15 clarification about the police report and get it straight in my
16 mind. All right. Proceed.

17 BY MS. GROOVER:

18 Q. Did you take photographs of every home or camper or
19 dwelling that you entered?

20 A. Yes, ma'am.

21 Q. And did you -- at the time you entered them, did you know
22 often if you were entering the front door or the backdoor?

23 A. It was -- no, ma'am.

24 Q. And were some of these homes connected to a camper?

25 A. Yes, ma'am. There was a camper butted up into a trailer,

1 and then there was a -- I guess a homemade porch you would call
2 it hooked -- connected to a camper.

3 Q. And while you were going through this warrant, did you
4 notice any house numbers?

5 A. No, ma'am.

6 Q. Did you later learn that there were different house
7 numbers associated with some of these trailers?

8 A. Yes, ma'am.

9 Q. But at the time you were executing the search warrant, did
10 you see --

11 A. No, ma'am.

12 Q. And you began by -- you took photographs of all the
13 locations you searched?

14 A. Yes, ma'am.

15 MS. GROOVER: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 BY MS. GROOVER:

18 Q. Detective, I'm handing you what's been marked as Exhibits
19 3 through 14 --

20 A. Yes, ma'am.

21 Q. -- for identification purposes. Can you take a look at
22 those --

23 A. Yes, ma'am.

24 Q. -- and tell me if you recognize Exhibits 3 through 14?

25 A. Yes, ma'am.

1 Q. And are these photographs that you took during the
2 execution of the search warrant?

3 A. Yes, ma'am, they were.

4 Q. And do they fairly and accurately represent the photos
5 that you took?

6 A. Yes, ma'am.

7 MS. GROOVER: Government would move for the admission of
8 Exhibits 3 through 14.

9 MS. COPELAND: No objection.

10 THE COURT: Admitted.

11 MS. HESSE: No objection.

12 MR. BLACKBURN: No objection.

13 BY MS. GROOVER:

14 Q. Starting with Government Exhibit 3, can you identify what
15 we're looking at in Exhibit 3, or what you're looking at?

16 A. It turned out to be the large trailer was Hipolito's and
17 Jonathan's residence.

18 Q. Do you identify this as house number one in your --

19 A. That is -- yes, ma'am. That is house number one. It is
20 the first house that I searched.

21 Q. And you also identify it as house number one when you
22 saved your photographs?

23 A. Yes, ma'am.

24 Q. Okay.

25 THE COURT: What color is it?

1 THE WITNESS: I believe it was either white or grayish.
2 It was definitely a light in color.

3 BY MS. GROOVER:

4 Q. Was it a light-in-color gray trailer with white trim?

5 A. Yes, ma'am.

6 Q. Is it the same trailer that is described in the affidavit
7 of the search warrant as the gray trailer with the white trim?

8 A. Yes, ma'am.

9 Q. Now, in photograph number three, I see there are two
10 structures. There is what appears to be a camper on the left
11 and a trailer on the right.

12 THE COURT: I thought -- photograph number three or
13 Exhibit 3?

14 MS. GROOVER: Exhibit 3 is a photograph.

15 THE COURT: Well, I thought Exhibit 3 was the large
16 trailer, gray with white trim. Did I get that down wrong?
17 House number one, large trailer, gray with white trim. Let me
18 see the pictures.

19 MS. COPELAND: Sherri, I can give the judge my copy and
20 look on co-counsel's, if you'd like.

21 THE COURT: Is this what you describe, Amy Lee, as 135?

22 MS. COPELAND: That is 135, and that's the back side of
23 the house.

24 THE COURT: That's the back -- so your picture that you
25 furnished was on the front side.

1 MS. COPELAND: Right.

2 THE COURT: Back and front being relative terms. All
3 right.

4 THE WITNESS: Thank you, sir.

5 MS. GROOVER: Your Honor, I do believe now you have a
6 copy -- thank you for that -- of the photograph.

7 BY MS. GROOVER:

8 Q. Now, in Exhibit 3 --

9 THE COURT: Oh, I do? As you talk about them, I can
10 look at them, too? All right.

11 BY MS. GROOVER:

12 Q. In Exhibit 3, the trailer on the right side of this
13 photograph, this is the gray trailer with the white trim?

14 A. Yes, ma'am.

15 Q. And did this -- did you enter the trailer, begin searching
16 it on this side --

17 A. Yes, ma'am.

18 Q. -- as you look at this photograph?

19 A. Yes, ma'am.

20 Q. And did you later determine that it's the back side of the
21 trailer?

22 A. Yes, ma'am.

23 Q. At the time did you believe it was the front side of the
24 trailer?

25 A. Yes, ma'am.

1 Q. And looking at Exhibit 4, what is Exhibit 4?

2 A. That is me now approaching the residence as I entered it.

3 Q. As you compare it to Exhibit 3, is this your opinion that
4 little --

5 A. The little -- what I -- yes, ma'am. Yes, ma'am.

6 Q. And you see a stove.

7 A. Yes, ma'am.

8 Q. And at the time you believed that you were entering the
9 premises of --

10 A. Correct. Yes, ma'am. Yes, ma'am.

11 Q. And Exhibit 5, what are we looking at in Exhibit 5?

12 A. That's the door in which I entered into the residence.

13 Q. And do you see any markings on this door about an address
14 at all?

15 A. No, ma'am.

16 Q. Did you later determine or learn from defense counsel's
17 motion that there's a marking of 135 on the other side of the
18 street?

19 A. Yes, ma'am.

20 Q. And you conducted your search beginning from the back side
21 of this?

22 A. Correct, which I assumed to be the front.

23 Q. But this is the gray trailer with the white trim --

24 A. Yes, ma'am.

25 Q. -- described in the affidavit?

1 A. Yes, ma'am.

2 Q. Exhibit 6, is this a piece of mail that you found inside
3 the gray trailer with the white trim?

4 A. Yes, ma'am.

5 Q. And is this addressed to an individual at 275 Milton Rahn
6 Road?

7 A. Yes, ma'am.

8 Q. And did you find various ammunition and firearms and items
9 of interest in that gray trailer with the white trim?

10 A. Yes, ma'am.

11 Q. After you searched that gray trailer with the white trim,
12 did you then move on to another location?

13 A. Yes, ma'am, I did.

14 Q. And where did you go next?

15 A. I went directly behind that trailer.

16 Q. And what type of structure was directly behind that
17 trailer?

18 A. It looked like it was -- as I approached it, I thought it
19 was going to be a shed, but it turns out to be inside the shed,
20 right behind it, the shed was built around a camper. So it is
21 a -- I guess a pull-behind camper.

22 Q. Government's Exhibit 7, can you describe what we're
23 looking at in Government's Exhibit 7?

24 A. You're looking at the -- what I originally thought was
25 going to be a shed. As I saw it, I was informed that it was not

1 a shed, that it was an actual residence.

2 Q. And do you see any address or numbers listed on that?

3 A. No, ma'am.

4 Q. Did you later determine who lived at this dwelling?

5 A. Yes, ma'am.

6 Q. Who lived there?

7 A. Mr. Juan Rangel.

8 Q. Exhibit 8, what are we looking at in Exhibit 8?

9 A. You're now looking at a closer-up image of the front as I
10 entered.

11 Q. And through Exhibit 8 there's an entryway. You have some
12 orange coloring in there.

13 A. That's the actual -- that's the camper, yes, ma'am.

14 Q. Is that a camper that's actually, then, attached to the
15 shed?

16 A. It was built and attached to the shed, yes, ma'am.

17 THE COURT: What is orange?

18 THE WITNESS: It's the pull-behind camper. It's like
19 orange and white.

20 THE COURT: Hold your picture up and point to it.

21 THE WITNESS: (Witness complied).

22 THE COURT: Oh, okay. Looks yellow in my picture. But
23 go ahead. All right.

24 BY MS. GROOVER:

25 Q. Exhibit 9, what are we looking at in Exhibit 9?

1 A. That is the shed as I'm looking at it showing the camper
2 to the left-hand side.

3 Q. So you actually walked inside the structure that's
4 identified in Exhibit 8?

5 A. Yes, ma'am.

6 Q. And this is what it looks like if you turn --

7 A. Turn towards the right, yes, ma'am, showing the camper.

8 Q. And do you see this blue towel hanging down?

9 A. Yes, ma'am.

10 Q. What's behind the blue towel hanging down?

11 A. Looks like some homemade lights as well as some trash.

12 Q. And describe the wall on the left side of this photograph
13 of this shed.

14 A. It's the actual shed. I mean it's the trailer. Talking
15 about this?

16 Q. Yes.

17 A. That's the trailer itself.

18 Q. And did you previously testify, refer to it as a camper?

19 A. A camper, yes, ma'am. That's the pull-behind camper.

20 THE COURT: You say this structure is not a shed but a
21 residence.

22 THE WITNESS: The --

23 THE COURT: Or a dwelling.

24 THE WITNESS: It's a homemade shed that I guess was made
25 for the camper.

1 THE COURT: Right.

2 THE WITNESS: I mean you can see it goes above the
3 camper as well.

4 THE COURT: So you're saying it's sort of an addition to
5 the camper.

6 THE WITNESS: Yes, sir.

7 THE COURT: Is there a bed in there?

8 THE WITNESS: No, sir.

9 THE COURT: Okay.

10 THE WITNESS: Just tables, chairs.

11 BY MS. GROOVER:

12 Q. In the shed portion.

13 A. In the shed portion.

14 Q. But you did continue walking into the actual camper
15 itself?

16 A. Yes, ma'am. I make entry into the front door of the
17 actual camper itself.

18 Q. And Exhibit 10, what are we looking at in Exhibit 10?

19 A. You're looking at the front door entry into the camper.

20 Q. And so comparing Exhibit 10 back to Exhibit 8, if you were
21 to walk into that shed and just keep walking straight, would you
22 get to the --

23 A. You'd run right into this -- if you're coming straight
24 inside the shed, you'd run right into the residence.

25 THE COURT: And just for purposes of my clarity, what

1 did you refer to this initial structure, the what you thought
2 was a shed? What did you call that in your police report?

3 THE WITNESS: I believe we called it a camper. It was
4 referred to as a camper.

5 THE COURT: The shed was called a camper?

6 THE WITNESS: It was attached -- I believe we called it
7 a shed leading to the camper.

8 THE COURT: If I may, Your Honor --

9 BY MS. GROOVER:

10 Q. Did you in fact refer to it as a small homemade shack, no
11 doors, in the report?

12 A. Okay. Yes, ma'am.

13 Q. And did you document it in the photograph as house number
14 two?

15 A. Yes, ma'am.

16 THE COURT: All right.

17 BY MS. GROOVER:

18 Q. So reading the report, the home that you will later
19 identify that Juan Rangel lived at you've documented as a small
20 homemade shack with no doors and photographed it as house number
21 two?

22 A. Yes, ma'am.

23 Q. And that's what we're looking at in Exhibit Number 10?

24 A. Yes, ma'am.

25 Q. The entrance?

1 A. Yes, ma'am.

2 THE COURT: So it's described in the police report as
3 entryway to a detached small camper. And that entryway itself
4 is designated as house number two.

5 THE WITNESS: Yes, sir. It's --

6 THE COURT: Okay.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. That's what I thought after
9 multiple readings, but I just wanted to make sure of that. All
10 right.

11 BY MS. GROOVER:

12 Q. Exhibit 11, describe for the Court what are we looking at
13 in Exhibit 11?

14 A. When you come inside the camper and you look to the right,
15 that's the first thing you see inside the camper.

16 Q. And now you can see a TV, a bed and even an oven?

17 A. Yes, ma'am.

18 THE COURT: Well, what you call the camper in your
19 police report --

20 THE WITNESS: Yes, sir.

21 THE COURT: -- I mean it's not designated as house
22 number three or anything.

23 THE WITNESS: No. It's all under house number two.

24 THE COURT: But you call it at the top of Page 7 of Amy
25 Lee's Documents 39-1, "I then searched camper number three."

1 THE WITNESS: After the conclusion of this search, we
2 searched camper number three. There's another camper on the
3 property.

4 THE COURT: So camper number three is not the camper --

5 THE WITNESS: That we're looking at, no, sir.

6 THE COURT: -- designated as house number two.

7 THE WITNESS: No, sir.

8 THE COURT: Okay.

9 THE WITNESS: No, sir.

10 THE COURT: So the shed portion and on into this camper
11 that is shown in Exhibits 8, 9, 10, all of that is house number
12 two?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right.

17 BY MS. GROOVER:

18 Q. And then according to your report and then pursuant to the
19 search, did you go search another item?

20 A. Yes, ma'am.

21 Q. Location?

22 A. Yes, ma'am.

23 Q. And you refer to that in your report as number three?

24 A. Camper number three, yes, ma'am.

25 Q. And is that what we're looking at in Government's Exhibit

1 12?

2 A. Yes, ma'am.

3 Q. And then Exhibit 13 --

4 THE COURT: Well, what's behind -- in Exhibit 12, what
5 is behind this what you call camper number three?

6 THE WITNESS: That is house number one.

7 BY MS. GROOVER:

8 Q. And if you compare Exhibit 12 to Government's Exhibit 3,
9 the camper that's in Exhibit 12, is this the same camper that's
10 on the left side of the gray trailer with the white trim that's
11 on the right side of Exhibit 3?

12 A. Yes, ma'am.

13 Q. And Exhibit 13, describe for the Court what are we looking
14 at in Exhibit 13?

15 A. This is Pablo's residence.

16 Q. And this is the tan house or the main house?

17 A. Yes, ma'am.

18 Q. And Exhibit 14, what are we looking at in Exhibit 14?

19 A. It's just an array of all the items collected inside the
20 residence.

21 Q. These are the various firearms and ammunition that were
22 seized in the different locations that you searched on the
23 property?

24 A. Yes, ma'am.

25 THE COURT: Could you come retrieve these, please?

1 BY MS. GROOVER:

2 Q. After you were done searching the residence and
3 documenting your findings photographed in your notes, what did
4 you do next?

5 A. I spoke to Mr. Rangel's wife, and I advised her on the
6 dining room table I was leaving a copy of the search warrant
7 return, which was a copy of every one of the items that were
8 seized property control form wise. That was left on the dining
9 room table. I then had our patrol officers transport the males
10 inside the residence back to the Garden City Police Department
11 to be interviewed.

12 Q. Approximately how long did this search take place?

13 A. Several hours.

14 Q. And was this during the day?

15 A. It was during the day, yes, ma'am.

16 Q. And this was on August the 20th of 2017?

17 A. Yes, ma'am.

18 Q. Was it a particularly hot day?

19 A. It was a little warm, yes, ma'am.

20 Q. Almost 100 degrees?

21 A. Yes, ma'am.

22 THE COURT: What time did the search begin?

23 THE WITNESS: I believe it was roughly around between 12
24 and 1, Judge. I don't have the exact time in front of me.

25 (Nothing omitted)

1 BY MS. GROOVER:

2 Q. And lasted multiple hours?

3 A. At least three to four hours.

4 Q. When law enforcement first arrived on scene to begin
5 execution of the search warrant, was anyone attempting to leave
6 the location?

7 A. Yes, ma'am.

8 Q. Who was that?

9 A. It was Juan Rangel.

10 Q. And how was he attempting to leave?

11 A. He was leaving in a brown pickup truck, I believe with a
12 trailer. As he was -- he was on that main road --

13 THE COURT: And when was this that he was stopped?

14 THE WITNESS: As we were going to execute the search
15 warrant.

16 THE COURT: As you were coming in to the property.

17 THE WITNESS: As we were coming in, yes, sir, we were
18 caravanning into the residence. The vehicle was leaving.
19 Effingham County initiated a traffic stop for us and I believe
20 had Mr. Rangel drive back to the residence.

21 BY MS. GROOVER:

22 Q. When law enforcement arrived on scene to begin the
23 execution, approximately how many people did law enforcement
24 initially locate?

25 A. A lot. It was a bunch -- a lot of children. I believe

1 there was four males, three adult females and probably five to
2 six children.

3 Q. And what did law enforcement -- how did -- what did you do
4 with all those people during the execution of the search
5 warrant?

6 A. The children and the ladies were allowed, after a quick
7 canvas of the living area of Pablo's residence, they were all
8 allowed to sit inside there.

9 Q. Was it air-conditioned inside?

10 A. Yes, ma'am, it was.

11 Q. Was one female pregnant?

12 A. Yes, ma'am.

13 Q. All the children and the females were inside?

14 A. Yes, ma'am.

15 Q. And what about the men?

16 A. The men were -- they were secured in handcuffs. They were
17 put underneath a -- I guess a -- God, I don't know how to -- a
18 carport, a large open carport with a canopy on top. They were
19 there for maybe an hour, hour and a half. And then they were
20 removed -- they were moved to another location which is in the
21 front of Pablo's residence. That as well has got a covered
22 porch on it as well as rotating ceiling fans.

23 Q. And is that -- can you just see that in Exhibit 13?

24 A. Yes, ma'am. You can see the -- you can see the males
25 where they were standing at.

1 Q. And there were fans above them?

2 A. Yes, ma'am.

3 Q. Why were they moved from the shed to the --

4 A. One of our officers saw one of the individuals detained as
5 showing signs of maybe fatigue or some kind of heat exhaustion.
6 At that time he was provided water, and an ambulance was called
7 to the scene to examine the male.

8 Q. Was that Mr. Martinez-Martinez?

9 A. Yes, ma'am.

10 Q. Hipolito Martinez?

11 A. Yes, ma'am. So at that time we decided to move from that
12 location to a cooler area, which would have been with the
13 ceiling fans above them.

14 Q. Were all of the individuals offered or provided water if
15 they needed it?

16 A. Yes, ma'am. Every individual was provided water as well
17 as numerous bathroom breaks.

18 Q. Did you speak with any individuals on scene about the
19 items you seized or --

20 A. Not on scene in reference to any one of the suspects, no,
21 ma'am.

22 Q. Did you have another agent or law enforcement speak with
23 any individuals?

24 A. Detective Reyes was standing next to the suspect. He was
25 there for his -- he's fluent in Spanish, so any questions or

1 anything that they required, it was his job to oblige their
2 requests.

3 THE COURT: But there were no interviews conducted
4 during the search?

5 THE WITNESS: As far as Garden City Police goes, no,
6 sir, or Effingham County.

7 THE COURT: What -- since you mentioned Garden City,
8 you're a detective with Garden City. What jurisdiction do you
9 have -- this would be in Effingham outside the boundaries of
10 Garden City. What's your jurisdiction in that area?

11 THE WITNESS: I'm deputized through Chatham County. I
12 strictly stick to the Chatham County area.

13 THE COURT: Okay. But how did you come -- they
14 recognized that you were the chief -- the victim was found in
15 what county?

16 THE WITNESS: Garden City, in Chatham County.

17 THE COURT: In Chatham. And so you were just allowed by
18 the Effingham authorities to lead the investigation?

19 THE WITNESS: As far as to lead?

20 THE COURT: To lead, yes.

21 THE WITNESS: Because it was my investigation. They
22 handled the tactical operation plan as far as the execution of
23 the -- I guess -- they had the guns, as I'm going to call it.
24 So they're the ones that executed the search warrant. We stood
25 back -- once the residence were cleared of any potential

1 suspects, Garden City took over in that aspect as well as
2 obtaining all property and --

3 THE COURT: But you were really the lead investigator.
4 You were the person calling the shots about --

5 THE WITNESS: Yes, sir, it was me.

6 THE COURT: -- this is the place where we're going to
7 search.

8 THE WITNESS: Yes, sir.

9 THE COURT: And you got the warrant from an Effingham
10 County judge?

11 THE WITNESS: Yes, sir.

12 THE COURT: And your authority as a police detective
13 allowed her to swear you in and accept a warrant from you?

14 THE WITNESS: Correct, yes, sir.

15 THE COURT: All right.

16 BY MS. GROOVER:

17 Q. Is it your understanding were individuals possibly
18 interviewed by Homeland Security agents?

19 A. I was advised, yes, ma'am.

20 Q. On scene?

21 A. On scene.

22 Q. Was Homeland Security agents part of this search due to
23 the nature of possibly the illegal aliens and not citizens of
24 the United States?

25 A. Yes, ma'am.

1 Q. So HSI's role there were also immigration enforcement?

2 A. Correct, yes, ma'am.

3 Q. And was Special Agent Tony Miranda part of that?

4 A. Yes, ma'am.

5 Q. Okay. In addition to searching the homes, dwellings,
6 campers identified in the photographs, did you search any
7 vehicles on the property?

8 A. Yes, ma'am.

9 Q. What other vehicles did you search?

10 A. We searched an array of vehicles. We saw some sedans.
11 Specifically, we saw a Chevrolet Tahoe that was, I believe,
12 owned by Mr. Jhonatan Rangel.

13 Q. Was that a gold Tahoe?

14 A. Yes, ma'am, it was.

15 Q. Texas plates?

16 A. Yes, ma'am, it was. It did have.

17 Q. Was Mr. Jhonatan Rangel present during the execution of
18 that search?

19 A. No, ma'am, he was not.

20 Q. Did law enforcement seize a passport with his name on it
21 during the search?

22 A. Yes, ma'am.

23 Q. Was that seized from the vehicle --

24 A. Yes, ma'am, the gold Tahoe.

25 Q. And that passport was a United States passport?

1 A. I don't believe so. I believe it was a Mexican passport.

2 THE COURT: In whose name?

3 THE WITNESS: Jhonatan Rangel. We also searched a
4 black-in-color Chevrolet Silverado pickup truck. That vehicle
5 was owned by Mr. Hipolito Martinez-Martinez, and I believe it
6 was driven by his girlfriend. We recovered a firearm inside
7 that vehicle as well.

8 BY MS. GROOVER:

9 Q. Specifically with respect to Mr. Juan Rangel --

10 A. Okay.

11 Q. -- did you identify that he lived in the light-colored
12 pull-behind camper located at the rear of the (indiscernible)?

13 A. Yes, ma'am.

14 Q. And you referred to that in your report as the homemade
15 shack with no doors and also as house number two in your photos?

16 A. Yes, ma'am.

17 Q. And did law enforcement seize a Ruger Model 1022 .22-
18 caliber rifle?

19 A. Yes, ma'am, we did.

20 Q. From the home?

21 A. Yes, ma'am, from the residence.

22 Q. With respect to Mr. Jhonatan Rangel -- and Mr. Juan Rangel
23 was present --

24 A. He was present, yes, ma'am.

25 Q. He was brought back to where the search took place and

1 detained?

2 A. Yes, ma'am.

3 Q. Mr. Jhonatan Rangel, he was not present during the search?

4 A. He was not, no, ma'am.

5 Q. Did your investigation determine that he lived in the gray
6 trailer with the white trim, referred to as house number one in
7 the report as well as the photographs?

8 A. Yes, ma'am.

9 Q. And did you seize from an oven at Juan Rangel's house a
10 firearm, Rock Island Armory Model 1911 .45-caliber pistol?

11 A. Yes, ma'am.

12 Q. Did your investigation later determine in your interview
13 that that firearm belonged to Jhonatan Rangel?

14 A. Yes, ma'am.

15 Q. And with respect to Mr. Hipolito Martinez-Martinez, did
16 you determine that he lived in the gray trailer with the white
17 trim, also referred to as house number one in the report and
18 photos?

19 A. Yes, ma'am.

20 Q. And did you seize from his room a Mossberg Model 500A
21 12-gauge shotgun?

22 A. Yes, ma'am.

23 Q. And additionally, there was a passport that was seized
24 from the Tahoe from Mr. Jhonatan Rangel?

25 A. Yes, ma'am.

1 Q. After the execution of the search, when it was all
2 completed, what happened next?

3 A. After everything was done at the residence, myself and
4 another Effingham County deputy were the last to leave. There
5 was, I believe, four males transported back to the Garden City
6 Police Department to be interviewed. It was Juan Rangel, Pablo
7 Rangel, Hipolito Martinez-Martinez and a fourth individual, who
8 was subsequently released, no involvement whatsoever in this
9 case.

10 Q. During the execution of the search warrant, did anyone
11 complain about how you were going about searching?

12 A. No, ma'am, not a single person.

13 Q. Not even with the heat?

14 A. Correct, nobody.

15 Q. Did Mr. Hipolito Martinez-Martinez accept the medical
16 treatment that was offered to him?

17 A. I believe he was -- they checked vitals. They provided
18 him water; and when asked for transport to the hospital, he
19 declined.

20 Q. And were these -- and then Mr. Juan Rangel, Pablo Rangel
21 and Hipolito Martinez, they were brought back to the department
22 to be interviewed?

23 A. Yes, ma'am.

24 Q. And were these interviews recorded?

25 A. Audio and video recorded, yes, ma'am.

1 Q. And how many people interviewed these individuals?

2 A. It was myself and Detective Reyes. I believe we began
3 every interview. We were questioning in reference to the
4 homicide and then --

5 THE COURT: Where are these being conducted at?

6 THE WITNESS: In Garden City, at my office.

7 THE COURT: Okay.

8 THE WITNESS: And then Special Agent Miranda came in and
9 interviewed these individuals as well.

10 BY MS. GROOVER:

11 Q. Prior to interviewing these individuals, were they given
12 an opportunity for water and a restroom break?

13 A. Everybody was provided either water or soda and were
14 allowed to use the restroom while at the Garden City Police
15 Department.

16 Q. With respect to Mr. -- beginning with Mr. Juan Rangel, was
17 his interview conducted in English or Spanish?

18 A. It was in Spanish.

19 MS. COPELAND: Your Honor, at this point I would like to
20 object to this line of inquiry. It seems like we're getting far
21 afield from the execution of the search warrant issue in this
22 motion to suppress.

23 THE COURT: Well, I thought only one defendant was
24 challenging the -- an interview.

25 MS. COPELAND: And I am sorry. I'm not familiar with

1 what the other defendants are challenging. I was just going to
2 say that we recently were provided English translations,
3 transcripts of the in-Spanish interviews. In that it was a
4 36-page transcript that I got of my client. It starts out that
5 he does not really understand his Miranda rights. And I think
6 that I might be filing another motion to suppress in this case
7 based upon the recent provision of that interview, because it
8 is -- it's a little troubling to me, coupled with the fact that
9 he is having heat exhaustion in 100-degree weather by being made
10 to stand outside for four hours before this interview. So I
11 would just ask that we not plow this ground with Mr. Martinez
12 today, and if I file that motion to suppress, it will be done
13 fairly quickly. But this was just provided to me in discovery.

14 THE COURT: Well, I didn't even know there were
15 statements taken from anybody but I think, Tina, your client.

16 MS. HESSE: Yes. I listened to the recorded interview.
17 It was all done in English.

18 THE COURT: It was done in English?

19 MS. HESSE: Yes. And he was -- he seemed to understand.

20 THE COURT: I thought it was conducted three days later.

21 MS. HESSE: Yes.

22 THE COURT: The 23rd.

23 MS. HESSE: My client was. My client was not present.

24 THE COURT: And you are challenging that. You raise
25 that issue.

1 MS. HESSE: I was raising issue with it being basically
2 a product of the --

3 THE COURT: Exactly.

4 MS. HESSE: -- search. Yes, Your Honor.

5 MS. GROOVER: In response to with respect to the
6 discovery, I will say that law enforcement did provide the
7 recorded interview at the time when we produced all the digital
8 discovery months ago. I will say Mr. Hipolito's is in Spanish
9 as well as Mr. Juan Rangel. I do not speak Spanish, and
10 requested transcripts. Several weeks ago we got the transcripts
11 and did produce them.

12 THE COURT: There is no pending motion on the part of
13 Defendant Martinez to suppress any statements at this point.
14 And then we'll have to get into a motion and a government
15 response to the motion before -- I see doing a sort of a
16 peremptory strike on a motion with respect to Mr. Martinez. And
17 let me get the defendant's name again. And Jhonatan Rangel's
18 statement is being challenged as the unlawful fruit of the
19 search, not on the basis of any Miranda violation or anything of
20 that kind.

21 MS. GROOVER: That's correct.

22 THE COURT: And I'm not sure about Juan Rangel-Rubio. I
23 can't tell if there's any statement being challenged or not in
24 this pro forma, preliminary, unsupported, inadequate-under-
25 the-rules motion to suppress. Are you challenging any

1 statements?

2 MR. BLACKBURN: We are not at this point, but --

3 THE COURT: Well, today is the day to announce it.

4 MR. BLACKBURN: I believe that after reviewing the
5 statement just recently that we got on a hard drive full of
6 information, that the statement may have been the result of the
7 illegal detention.

8 THE COURT: All right. Same thing as Ms. Hesse has just
9 said. That's the basis.

10 MR. BLACKBURN: Right.

11 THE COURT: Was Mr. Juan Rangel-Rubio's interview
12 conducted in English or Spanish?

13 THE WITNESS: Spanish.

14 THE COURT: And you made those -- that was part of your
15 initial discovery disclosure?

16 MS. GROOVER: That is correct. The audio.

17 MR. BLACKBURN: It's Spanish audio.

18 MS. GROOVER: It's in Spanish.

19 THE COURT: Yeah, but we have interpreters, you know?
20 And defense counsel are entitled to use them. So when was this
21 initial discovery disclosure made?

22 MS. GROOVER: It was either on the day of arraignment or
23 directly the day --

24 THE COURT: Which was?

25 MS. GROOVER: I do not have the docket sheet in front of

1 me, but I can get that information.

2 THE COURT: Sherri, I'm asking.

3 THE CLERK: I'm looking.

4 MS. HESSE: Your Honor, I believe it was September 27th
5 was arraignment.

6 MS. GROOVER: And I will say Ms. Copeland called me
7 yesterday and said she was unable to open the audio file, and I
8 said that perhaps it was copied in another way, but we can
9 provide that if she wanted, and she said she would contact me
10 (indiscernible).

11 THE CLERK: It was indeed September 27th.

12 THE COURT: It's a little late in the day to be
13 expanding the motions to suppress in this case. I understand
14 the complications associated with language. I'll let them --
15 you can file your motion. I can't stop you from filing it. But
16 regarding its timeliness, the government will get a chance to
17 respond. We'll address that when I see the motions.

18 But I don't think we need to get into this witness
19 talking about the specifics of the interviews or whether Miranda
20 rights were read or all of those things when it's not even
21 presented before the Court in a live motion.

22 MS. GROOVER: Yes, sir.

23 BY MS. GROOVER:

24 Q. Just generally, several days after the execution of this
25 search warrant, did law enforcement locate Jhonatan Rangel?

1 A. Yes, ma'am, we did.

2 Q. And was he located at a trailer park at 9902 Ferguson
3 Avenue?

4 A. Yes, ma'am, we did.

5 Q. And were law enforcement were you searching for him?

6 A. We were actually not searching for him. We were searching
7 for two other individuals who were supposedly living in the
8 area. He just happened to -- as we were leaving, he drove past
9 both of the agents, our agents that were there in that same
10 Chevrolet Tahoe we recovered on scene with the same Texas
11 plates. Special Agent Miranda and Special Agent Harley advised
12 that they saw him driving through, so contact was made with him.

13 Q. And at that time he was arrested and detained at that
14 point?

15 A. Yes, ma'am, he was.

16 THE COURT: Arrested, detained and interviewed.

17 THE WITNESS: Yes, sir. They were brought back to the
18 Garden City Police Department to be interviewed.

19 MS. GROOVER: Your Honor, may I approach the witness?

20 THE COURT: You may.

21 BY MS. GROOVER:

22 Q. Sir, I'm handing you what's been marked for identification
23 purposes as Government's Exhibit 2. Can you tell us what we're
24 looking at in Exhibit 2?

25 A. It's the actual search warrant to the residence of 275

1 Milton Rahn Road as well as the return, the search warrant
2 return.

3 Q. And did you make the return to a judge after you had
4 completed your search?

5 A. Yes, ma'am.

6 Q. And is this a true and correct copy of the return that you
7 made?

8 A. Yes, ma'am.

9 MS. GROOVER: Government would move for the formal
10 admission of Exhibit 1 and 2.

11 MS. COPELAND: No objection.

12 MS. HESSE: No objection.

13 THE COURT: Those are admitted.

14 MS. GROOVER: May I have just a moment, please, Your
15 Honor?

16 THE COURT: Yes.

17 MS. GROOVER: I have no further questions for this
18 witness, Your Honor.

19 THE COURT: All right. Before we launch into any
20 cross-examination, let's take a ten-minute recess.

21 (Proceedings stood in recess from 11:18 a.m. until 11:37 a.m.)

22 THE COURT: You're going first, are you?

23 CROSS-EXAMINATION

24 BY MS. COPELAND:

25 Q. Good morning, Mr. Rodriguez.

1 A. Good morning.

2 Q. My name is Amy Lee Copeland, and I represent the defendant
3 Hipolito Martinez-Martinez.

4 Just to recap, the need for the search warrant came about
5 because of the August 19th, 2017, suspected murder of Eliud
6 Montoya; is that right?

7 A. Yes, ma'am.

8 Q. And you believe that Pablo Rangel was connected to it. Am
9 I also correct?

10 A. Yes, ma'am.

11 Q. And looking at Page 3 of your affidavit and application
12 for search warrant, which I believe that you have as
13 Government's Exhibit 1 up there, you told Judge Sexton that you
14 firmly believed that there was enough probable cause that had
15 arisen to show Pablo -- and that would be Pablo Rangel; correct?

16 A. Yes, ma'am.

17 Q. -- is involved in the murder of Eliud Montoya, and you
18 believe that the fruits of the crime due to this inside the
19 residence located at 275 Milton Rahn Road.

20 A. Yes, ma'am.

21 Q. So that paragraph refers only to probable cause as to
22 Pablo Rangel.

23 A. Correct.

24 Q. And the only other -- by my count the only other relative
25 of Pablo Rangel mentioned in the search warrant affidavit is

1 Refugio Ramirez; is that correct?

2 A. Yes, ma'am.

3 Q. And you identified him as living in the trailer in
4 Springfield, Georgia.

5 A. Correct, yes, ma'am.

6 Q. And in fact, you didn't even tell the magistrate judge in
7 this search warrant affidavit and application that there was an
8 arrest warrant out for Refugio Ramirez, did you?

9 A. I did, yes, ma'am.

10 Q. No, if you would, sir, please look with me at the
11 next-to-the-last paragraph of Page 3 in your search warrant
12 affidavit that's Government's Exhibit 1. I'm going to read the
13 last sentence of that paragraph, the next-to-the-last paragraph.
14 "Eliud further has warrants out for his arrest in Chatham County
15 Recorder's Court." So it says Eliud; correct?

16 A. It was, I guess, a typo.

17 Q. But the judge wouldn't know that. You didn't explain that
18 to her when you were explaining the search warrant, did you?

19 A. I verbalized it, yes, sir. Yes, ma'am.

20 Q. But the search warrant itself it says that Eliud has
21 warrants out for his arrest. It doesn't say that Refugio
22 Ramirez has a warrant out for his arrest?

23 A. Yes, ma'am.

24 Q. Okay. So as in this affidavit and as in your
25 investigative report, you repeatedly tell the judge this

1 property is in Springfield?

2 THE COURT: And can we agree that there's an I and
3 Refugio?

4 MS. COPELAND: We can agree to that, Judge. Thank you.
5 That's been bothering me also.

6 THE COURT: All right. I saw it somewhere. Maybe in
7 one of the briefs. I don't know. All right. Go ahead.

8 BY MS. COPELAND:

9 Q. All right. So those repeated references that the property
10 is actually in Springfield, that's incorrect. Am I right?

11 A. That was information we originally received, yes, ma'am.

12 Q. Okay. And you've never been to this property. We've
13 already established that before; is that correct?

14 A. Prior to the search warrant, no, ma'am.

15 Q. And the only evidence you have about any criminal history
16 of anybody in Mr. Rangel's family is about Refugio Ramirez; is
17 that correct?

18 A. Yes, ma'am.

19 Q. And that's his 2014 arrest; is that right?

20 A. I believe, yes, ma'am.

21 Q. Okay. And if my math is correct, that's about three years
22 before you obtained this warrant.

23 A. Correct.

24 Q. And did I hear you say earlier, too, that on this murder
25 of August 19th you didn't know exactly what caliber weapon was

1 used in the murder until two days later?

2 A. Yeah, when the GBI did the autopsy, yes, ma'am.

3 Q. And two days later was the day after the search warrant
4 was issued; right?

5 A. Yes, ma'am.

6 THE COURT: How did they determine caliber three days
7 later?

8 THE WITNESS: They suspected it was a .22-caliber
9 because they -- from the -- they recovered some bullet fragments
10 as well as bullets, and they were able to retrieve and tell it
11 was a small caliber, possibly a .22 caliber.

12 BY MS. COPELAND:

13 Q. So when you say in this affidavit at Page 3 and also in
14 Government's Exhibit 1, "The caliber of said handgun matched the
15 one Refugio Ramirez allegedly had in 2014; however, said handgun
16 matches that which was suspected to be used to murder Eliud,"
17 you had no information that that was in fact a .22-caliber
18 handgun used to murder Mr. Montoya?

19 A. Not 100 percent. Just by training and experience, yes,
20 ma'am.

21 Q. But that's not recited in there.

22 A. Okay.

23 Q. And in any event a .22-caliber gun is a pretty common
24 weapon; right?

25 A. Very common.

1 Q. Yeah, it's a Saturday Night Special basically.

2 A. Yes, ma'am.

3 Q. All right. I want to talk a little bit more about the
4 August 20th, 2017 day of the report -- day of the search, I'm
5 sorry. And I'm going to show you what I have marked as
6 Government's Exhibit -- I mean as Martinez Exhibit Number 3.
7 I'm sorry. The investigator report.

8 THE COURT: Old habits. Old habits. Go ahead. Tell me
9 what it is when you hand it to him.

10 MS. COPELAND: Sure. Judge, it is the investigative
11 report of November the 13th, 2017. Do you recognize that?

12 THE COURT: Detective Rodriguez's report?

13 MS. COPELAND: Yes, sir.

14 THE COURT: I've read it.

15 BY MS. COPELAND:

16 Q. Okay. And that is your report; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. So --

19 THE COURT: Defense exhibit what?

20 MS. COPELAND: Defense Exhibit Number 3.

21 THE COURT: All right.

22 MS. COPELAND: Let me get my copy up.

23 BY MS. COPELAND:

24 Q. So just to get my idea of the times down correctly, on
25 Page 4 of this, you say at 900 hours, at 9 a.m., accompanied by

1 multiple Garden City Police Officers, you met with Sergeant Don
2 White. He was with Effingham County; right?

3 A. Yes, ma'am.

4 Q. You met with the FBI. Yes?

5 A. Yes, ma'am.

6 Q. And Homeland Security; correct?

7 A. Yes, ma'am.

8 Q. And you briefed them on an operational plan; is that
9 right?

10 A. Yes, ma'am. Yes, ma'am.

11 Q. And how many officers would you say were briefed on this
12 operational plan at 9 that morning?

13 A. Maybe 20.

14 Q. 20. Is that about how many accompanied you to the house?

15 A. Yes, ma'am.

16 Q. And I gather from your report that you were in the sixth
17 car it appears. How many cars were there?

18 A. I cannot recall. Over six.

19 Q. More than six?

20 A. Yes, ma'am.

21 Q. All right. And then if you'll look at the last paragraph
22 on Page 4, at 11:23, or 11:23 a.m. you met with Judge Sexton; is
23 that correct?

24 A. Yes, ma'am.

25 Q. And that's when she, quote, thoroughly reviewed the search

1 warrant and you gave her additional information that you
2 recounted for the first time today?

3 A. Yes, ma'am.

4 Q. Is that your recollection?

5 A. Yes, ma'am.

6 Q. And that statement is correct?

7 A. Yes, ma'am.

8 Q. And the time of 11:23 is when you met with her; is that
9 correct?

10 A. I believe, yes, ma'am.

11 Q. Okay. Can you look at Government's Exhibit 1, please?

12 THE COURT: That's the affidavit I take it.

13 MS. COPELAND: It's the search warrant itself, Judge.

14 THE COURT: The warrant itself. Okay.

15 BY MS. COPELAND:

16 Q. Is that what Government's Exhibit 1 is marked to you?
17 Does it have the actual one up there?

18 A. Yes, ma'am. I've got it, yes, ma'am.

19 Q. So the judge actually enters the search warrant in at
20 11:23 a.m. Is that your recollection? That's what the search
21 warrant shows.

22 A. I don't see where the time is on the search warrant.

23 MS. COPELAND: Judge, if I may approach, I'm going to
24 show him what I have marked as Martinez Exhibit Number 2, which
25 is just the entire package of the search warrant application and

1 affidavit.

2 So at the -- is there an objection to either one of two
3 or three that I've produced? Judge, I would tender the
4 admission of Martinez Exhibits 2 and 3.

5 THE COURT: And what is 2 again?

6 MS. COPELAND: 2 is the composite search warrant
7 application and affidavit.

8 THE COURT: All right.

9 MS. COPELAND: And 3 is the incident -- the investigator
10 report.

11 BY MS. COPELAND:

12 Q. So at the bottom of the first page of Martinez Exhibit 2
13 it shows that the judge actually entered the search warrant at
14 11:23. Is that correct?

15 A. Yes, ma'am.

16 Q. So it's fair to say that this is not a lengthy meeting
17 that you had with Judge Sexton to discuss this search warrant.

18 A. Three to five minutes.

19 Q. Okay. Well, it says in your report that you arrived to
20 see her at 11:23. Is that right? Bottom of Page 4.

21 A. Rough estimate, I based that based on the time that she
22 signed the search warrant to get a timeline or time guide.

23 Q. And that's your testimony today, even though that's not
24 what your report reflects; is that right?

25 A. Correct, ma'am. I wasn't -- I didn't have a watch on me

1 at the time. I just based it on what she wrote on the actual
2 search warrant.

3 Q. Okay. And so then after she signs the search warrant, you
4 go over the operational plan again with the agents. Is this the
5 new operational plan or is this the same operational plan?

6 A. It is a new one.

7 Q. What is different about this operational plan?

8 A. Officers, I guess, were in -- had been there -- I didn't
9 know there were some officers in all-terrain vehicles with
10 binoculars and snipers in the area observing the movements going
11 on on the property.

12 Q. Okay. So to get this straight, you got 20 agents;
13 correct?

14 A. Yes, ma'am.

15 Q. You had at least six vehicles and possibly many more; is
16 that correct?

17 A. Yes, ma'am.

18 Q. You had snipers?

19 A. I don't know if it was -- it could have been binoculars.
20 I didn't see those guys. They were in all-terrain vehicles.

21 Q. But you testified earlier you thought they were snipers.

22 A. Could have been snipers, yes, ma'am.

23 Q. There were K9 units?

24 A. We had Garden City came out with us.

25 Q. Okay. And so with this operational briefing, with these

1 multiple officers, you say in your investigative report you were
2 to travel to the large house where the suspect was suspected to
3 possibly be living. Do you see that on your report?

4 A. Yes, ma'am.

5 Q. And by that person you mean Pablo Rangel. Is that
6 correct?

7 A. Yes, ma'am.

8 Q. Because he's the one that you suspected of murdering Eliud
9 Montoya. Is that correct?

10 A. No, ma'am. I think he is associated with the murder.

11 Q. So but he is the one in your search warrant affidavit that
12 you said you thought you would find fruits of the crime at this
13 residence?

14 A. To associate him with the murder, yes, ma'am.

15 Q. Okay. And you believe that he was associated with that?

16 A. Yes, ma'am.

17 Q. Can you point out on that search warrant affidavit and
18 application where Mr. Martinez's name is?

19 A. It's nowhere.

20 Q. It is not in there.

21 A. Yes, ma'am.

22 Q. The address 135 Milton Rahn Road was nowhere in there?

23 A. No, ma'am.

24 Q. Okay. You testified earlier, if I heard right -- and if I
25 didn't, please correct me -- that when you wrote the search

1 warrant affidavit and the warrant itself, you used the term
2 residence to mean the land. Is that what you testified to
3 earlier?

4 A. And I elaborated to the residence being Pablo's residence
5 and the campers and then the -- as well as the trailers.

6 Q. Well, look with me at the first page of Martinez Exhibit
7 Number 2. In the first full paragraph, you talk about 275
8 Milton Rahn Road, and you distinguish there, the residence and
9 property can be reached. So that distinguishes between the
10 residence and the property.

11 A. Okay.

12 Q. Do you agree with me?

13 A. In that statement, yes, ma'am.

14 Q. Okay. And then you describe the residence as a newer
15 structure identified as a modular home. And that refers to the
16 residence of Pablo Rangel; is that correct?

17 A. As far as the 275 Milton Rahn Road. I believe that's the
18 description that was provided, yes, ma'am.

19 Q. Okay. So the only way to get to 275 Milton Rahn Road is
20 to go on Rahn Station Road. Is that your recollection?

21 A. Yes, ma'am.

22 Q. Okay. And Rahn Station is a paved road?

23 A. It is a paved road, yes, ma'am.

24 Q. Milton Rahn Road is an Effingham County dirt road; is that
25 correct?

1 A. Yes, ma'am.

2 Q. And it just kind of snakes off Milton Rahn Road?

3 A. Correct, yes, ma'am.

4 MS. COPELAND: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MS. COPELAND:

7 Q. I'm going to show you Composite Exhibit Martinez 1, which
8 are eight photographs that I have taken, and see if you can tell
9 me that that is a true and accurate representation of your
10 travel down to 275 Milton Rahn Road. First of all, do you
11 remember seeing these mailboxes at the intersection of Milton
12 Rahn Road and Rahn Station Road?

13 A. Yes, ma'am.

14 Q. Okay. Do you see -- if you'll turn to the second
15 photograph. Would you agree with me that those mailboxes are
16 the same mailboxes shown on the prior page?

17 A. Yes, ma'am.

18 THE COURT: You took these pictures?

19 MS. COPELAND: I did, Your Honor. I drove by. I've
20 actually been to this property.

21 THE COURT: All right. Now, I don't know the -- what's
22 this composite exhibit you're talking about?

23 MS. COPELAND: Composite Exhibit Number 1.

24 THE COURT: All right. This shot that you took with
25 your high-quality camera --

1 MS. COPELAND: Yeah, sorry about that.

2 THE COURT: What was it?

3 MS. COPELAND: I'm sorry?

4 THE COURT: What did you use?

5 MS. COPELAND: I used my cellphone.

6 THE COURT: Oh, okay. You have --

7 MS. COPELAND: I'm sorry.

8 THE COURT: No. I compliment the photography.

9 MS. COPELAND: Okay.

10 THE COURT: Did that capture all the mailboxes at that
11 location?

12 MS. COPELAND: Your Honor, there may have been a few on
13 the other side, and there were garbage cans also. I got as many
14 as I could while parked on Rahn Station Road without getting
15 hit.

16 THE COURT: All right. I'm familiar with that type of
17 lineup of mailboxes out in the country.

18 MS. COPELAND: Sure.

19 BY MS. COPELAND:

20 Q. And so in the second photograph you would agree with me
21 that there is a mailbox that is labeled 275; correct?

22 A. Yes, ma'am.

23 Q. And there's a mailbox that's labeled 135; is that correct?

24 A. Yes, ma'am.

25 Q. And flipping on to the next page, is this -- does this

1 appear to be as you are driving down the dirt road on to the
2 Rangel complex, let's call it?

3 A. From one area, yes, ma'am. This is from the -- I guess
4 what you would call the side view.

5 Q. Right. And this is the only way to get onto the property?

6 A. It is the only way on the property, yes, ma'am.

7 Q. To your knowledge?

8 A. As far as I know, yes, ma'am.

9 Q. Okay. And on the left there, you see that there is a
10 structure that appears to be a residence?

11 A. Yes, ma'am.

12 Q. And you would agree with me that that's Pablo Rangel's
13 residence?

14 A. We found out afterwards it was Pablo Rangel's residence.

15 Q. Well, that's the first place you stopped, wasn't it?

16 A. Yes, ma'am.

17 Q. Okay. And you talked to his wife, did you not?

18 A. Yes, ma'am, we did.

19 Q. Did you ever say, is this Pablo's residence?

20 A. Not at that time, no, ma'am.

21 Q. Okay. So you go to the residence. You suspected that
22 this is his residence; is that correct?

23 A. Yeah, it was -- yes, ma'am.

24 Q. That's what you told the magistrate judge?

25 A. Yes, ma'am. We suspected that to be his residence.

1 Q. That's what you put in this incident report; is that
2 correct?

3 A. Yes, ma'am.

4 Q. And that's the first place you stopped?

5 A. Yes, ma'am.

6 Q. It is by far the nicest living structure out there; is
7 that correct?

8 A. Yes, ma'am.

9 Q. You talked to somebody who lives there.

10 A. Post search warrant, yes, ma'am. Or during the search
11 warrant.

12 Q. No, but --

13 A. During the execution, yes, ma'am.

14 Q. Yeah, during the execution you actually stopped at that
15 house.

16 A. Yes, ma'am.

17 Q. And you talked to his wife. This is the first thing you
18 did according to this report that you've given me.

19 A. Yes, ma'am.

20 Q. Okay. But you don't ask is this Pablo's house?

21 A. No, ma'am.

22 Q. Because Pablo was the person you believed was associated
23 with the murder of Eliud Montoya?

24 A. Yes, ma'am.

25 Q. And he is the reason why you got this search warrant in

1 the first place?

2 A. Yes, ma'am.

3 Q. Okay. So you don't ask?

4 A. No, ma'am.

5 Q. All right. So you -- and would you agree with me that
6 there is a pretty marked like main-drag road that goes in front
7 of all of this stuff? There's a dirt road in front of Pablo's
8 trailer that extends down to the little shed that I think you
9 described as house number two.

10 A. Yes, ma'am.

11 Q. Okay. So -- will you turn the page with me?

12 A. Yes, ma'am.

13 Q. Okay. On your left would you agree with me that that's
14 Pablo Rangel's house with the trampoline in front?

15 A. Yes, ma'am.

16 Q. Next to that would you agree that there is a shed?

17 A. Yes, ma'am.

18 Q. And that's where all of the people were gathered, the men
19 were gathered?

20 A. Yes, ma'am.

21 Q. Okay. Do you see on the right-hand side of this picture
22 there's a red what appears to be a tractor-trailer --

23 A. It's a --

24 Q. -- cargo?

25 A. It's a cargo container, yes, ma'am.

1 THE COURT: Wait a minute. You're looking at this
2 picture?

3 MS. COPELAND: I am, Your Honor. This is Pablo's --
4 this is the shed where the men were gathered, and then this is a
5 red container in the far distance. (Multiple parties speaking)

6 THE COURT: I'm still not seeing the red container.

7 MS. COPELAND: Sorry, Judge. I should have given you
8 color photographs.

9 THE WITNESS: I've got the color photos.

10 THE COURT: Let me see. Ah, shows up clear as a bell.

11 MS. COPELAND: Yeah, it's not black and white. Sorry
12 about that.

13 BY MS. COPELAND:

14 Q. Okay. So you're traveling --

15 THE COURT: Is that a fence?

16 MS. COPELAND: Judge, that is like a cargo --

17 THE COURT: Oh, I see what it is, yes.

18 MS. COPELAND: -- container. Yeah, it's like a cargo.

19 THE COURT: Yeah. I'm familiar with those, too. Go
20 ahead.

21 THE WITNESS: Thank you, sir.

22 BY MS. COPELAND:

23 Q. And the dirt road that's on to the right of the cargo
24 container. And it's only past this cargo container that you
25 come into Mr. Hipolito's gray trailer; is that correct?

1 A. Yes, ma'am.

2 Q. If you'll flip the page, this will show the size of the
3 shed where the camper is parked. Would you agree with me?

4 A. Yes, ma'am.

5 THE COURT: That turned out to be tall camper number
6 three?

7 MS. COPELAND: Judge, I don't believe that this is the
8 camper that they actually searched.

9 THE COURT: Okay. All right.

10 THE WITNESS: No, no. We didn't.

11 MS. COPELAND: We'll get into that.

12 BY MS. COPELAND:

13 Q. And then the next page, that is -- would you agree with me
14 that that appears to be the side of the gray mobile home looking
15 back at Pablo Rangel's house through the --

16 A. I don't know how close -- I don't know where this picture
17 was taken from.

18 THE COURT: Let me see it, the color picture. South
19 Georgia sand. I'm guessing a swamp chestnut oak. All right.

20 BY MS. COPELAND:

21 Q. So the two are separated by some distance. Would you
22 agree with me?

23 A. Yes, ma'am. Good bit of --

24 Q. It's not like the gray trailer is in the backyard of the
25 brown one?

1 A. No, ma'am. It's a good bit of a walk.

2 Q. All right. And would you turn the page with me, then, to
3 the seventh picture.

4 A. Yes, ma'am.

5 Q. And that is the gray trailer, is it not?

6 A. That is what is -- yes, ma'am, it is.

7 Q. And what does the house number show on the gray trailer?

8 A. 135.

9 Q. And finally, the last picture, the eighth picture is what
10 you referred to as house number two; is that correct?

11 A. Yes, ma'am.

12 Q. And this house number two, this little shed is not
13 identified anywhere in the search warrant, is it?

14 A. No. That is not identified, no, ma'am.

15 MS. COPELAND: Your Honor, I'd move for the admission of
16 Exhibit Number 1.

17 MS. GROOVER: No objection.

18 THE COURT: Admitted.

19 BY MS. COPELAND:

20 Q. So let's go back. You drive down this dirt road and you
21 stop at what you think is Pablo's trailer. Am I right?

22 A. Yes, ma'am.

23 Q. And you talk to a woman that you later find out to be
24 Mrs. Rangel?

25 A. Actually, the first thing I did was, like I say, it was an

1 execution of a search warrant for a homicide. Nobody was talked
2 to based on that reason alone. My job was to go in there,
3 secure the residence and make sure that Pablo Rangel or any
4 other potential harmful suspect for us to be inside the
5 residence. That's why she was never spoken to. I was told via
6 radio that Mr. Pablo Rangel was arrested near the rear of the
7 complex next to this white-and-gray trailer. That is the sole
8 reason that is labeled as house number one.

9 Q. So was he arrested in the front or the back of the gray
10 trailer?

11 A. It was next to it. It was like, I don't know, underneath
12 a tree. He was sitting down next to the trailer.

13 THE COURT: Amy Lee, I hate to interrupt.

14 MS. COPELAND: Sure.

15 THE COURT: But for purposes of clarity of the record,
16 you just said Pablo Rangel's trailer.

17 MS. COPELAND: Yes, I'm sorry --

18 THE COURT: Is that the modular home?

19 MS. COPELAND: That is a tan-in-color modular structure.

20 THE COURT: All right.

21 MS. COPELAND: Thank you, Judge. I will be mindful of
22 that.

23 BY MS. COPELAND:

24 Q. So you had noticed that Mr. Rangel was secured. Is that
25 correct?

1 A. Yes, ma'am, him as well as three other males.

2 Q. And at that time you had 20 other agents with you?

3 A. I don't think it was but about four or five at that time.

4 Q. About four or five?

5 A. Yeah, because the rest of them were still securing their
6 residence.

7 Q. Okay. But there were a total of about 20?

8 A. It was, yeah, it was give or take 20, yes, ma'am.

9 Q. And so in the first place that you went, the tan-in-color
10 modular home that you believed belonged to Mr. Rangel --

11 A. Yes, ma'am.

12 Q. -- you had four colleagues with you?

13 A. Give or take, yes, ma'am.

14 Q. And you found women and children there?

15 A. Yes, ma'am.

16 Q. And also during the time you were securing this residence,
17 you received a radio call that Pablo Rangel had been
18 apprehended, if you will.

19 A. Yes, ma'am.

20 Q. Okay. And so --

21 THE COURT: There were no males inside that initial --

22 THE WITNESS: There was none, no, sir.

23 THE COURT: As you entered it.

24 THE WITNESS: It was only women and children.

25 THE COURT: Okay.

1 BY MS. COPELAND:

2 Q. And so despite the fact that you believed the tan-in-color
3 home belonged to Pablo Rangel and you had knowledge that
4 Mr. Rangel was secured, you did not ask anyone in that residence
5 if that's where Mr. Rangel resided?

6 A. No. Not at that time.

7 Q. Instead you decided to search every other trailer on the
8 property.

9 A. I went to the area where he was arrested. Where he was
10 detained, yes, ma'am.

11 Q. Did you talk to Mr. Rangel?

12 A. At the Garden City Police Department.

13 Q. Did anybody talk to Mr. Rangel that day?

14 A. I cannot answer for H.S.I. I did not as far as
15 investigations go, no. I'm sure Garden City Police asked him if
16 he required something to drink, bathroom breaks, was he hungry,
17 et cetera.

18 THE COURT: When you approached Mr. Rangel, Pablo
19 Rangel's tan-in-color modular home, did you see any numbers on
20 the house?

21 THE WITNESS: No, sir.

22 BY MS. COPELAND:

23 Q. But from your estimation, the gray trailer looked to be a
24 completely separate residence from the tan-in-color mobile home.
25 Isn't that true?

1 A. As far as -- not attached, yes. They were not attached.

2 Q. Right. And is it your experience as let's say a human
3 being that people typically live in one residence within a
4 half-mile radius?

5 A. Occasionally, yes, ma'am.

6 Q. Occasionally.

7 A. Yes, ma'am.

8 Q. So you have two residences in the same neighborhood?

9 A. Yes, ma'am, I do.

10 Q. You do?

11 A. I have two houses on the same property that I live in.

12 Q. And you live in both houses?

13 A. I have one for storage and one for where I actually live
14 at, yes, ma'am.

15 Q. But you would consider the place where you actually live
16 your home?

17 A. Yes, ma'am.

18 Q. And the other would be your storage area?

19 A. Yes, ma'am.

20 Q. So also, would you agree that people live in trailers?

21 A. Yes, ma'am.

22 Q. Okay. So trailers could be his residence, too. And would
23 you also agree that typically front doors of residences front
24 the main road?

25 A. Occasionally, yes, ma'am.

1 Q. Occasionally.

2 A. Yes, ma'am.

3 Q. Does yours?

4 A. Uh, yes, ma'am.

5 Q. Okay.

6 A. Actually it's the side.

7 Q. Well, on your residence, for instance, you have door
8 numbers on the front road of your house?

9 A. No. My residence is 1486 Dean Forest Road, and there's
10 two houses, two separate houses on the property.

11 Q. But you have house numbers on your property?

12 A. No, ma'am. No, ma'am.

13 Q. Most of the time when you go to execute warrants do people
14 have house numbers on the property?

15 A. Occasionally, yes, ma'am.

16 Q. Okay. Well, the house numbers that you see, are they on
17 the front of the property as opposed to the backdoor?

18 A. For the most part, yes, ma'am.

19 Q. Okay. So you went into the backdoor of this gray trailer;
20 is that correct?

21 A. At that time I perceived that to be the actual front of
22 the residence.

23 Q. But you knew that there was a dirt road that went in front
24 of the residence.

25 A. Again, I followed to where the defendants were standing in

1 front of, and that was the nearest access to it. There was
2 actually also a wallet in that front entrance area, which is
3 why -- another reason why I thought it was going to be the front
4 of the residence.

5 Q. But you knew there was a dirt road in the front that ran
6 in front of the gray trailer?

7 A. No, ma'am. I just -- I followed -- like I said, I went to
8 where the suspects were apprehended and I went into that door.
9 That is the door that I went into.

10 Q. You testified earlier that there was a well-marked dirt
11 road leading you down through this property?

12 A. Correct. To -- yes, ma'am.

13 Q. All right. You could take the dirt road from the time you
14 came in to go past the tan --

15 A. Yes, ma'am.

16 Q. To go past the camper shed; right?

17 A. Okay. Yes, ma'am.

18 Q. To go past the gray mobile home.

19 A. Okay.

20 Q. And to finally go to this little camper with the built-in
21 wooden frame; is that right?

22 A. Yes, ma'am. Yes, ma'am.

23 Q. Okay.

24 THE COURT: Is there ever a picture of this road itself?
25 Inside the compound?

1 MS. COPELAND: I'm sorry, Judge?

2 THE COURT: Did you ever take a picture of this road
3 you're describing inside the compound?

4 MS. COPELAND: Your Honor, if I did, I don't have it
5 with me today, and I may have very well deleted it. I can go
6 back --

7 THE COURT: The government has no such picture?

8 MS. GROOVER: The government does not have a picture.

9 MS. COPELAND: But I think it is obvious --

10 BY MS. COPELAND:

11 Q. Well, let me ask you this. If you would, look at the
12 warrant application that's Government's Exhibit 1 because you
13 have a better photograph of it.

14 A. Yes, ma'am.

15 THE COURT: I was just asking. I'm not making any
16 points here.

17 MS. COPELAND: Okay. I got you, Judge.

18 BY MS. COPELAND:

19 Q. But there really is no dispute today that there was a dirt
20 road -- (simultaneous speaking).

21 A. Yes, ma'am, led towards the back.

22 THE COURT: It was more than a lane, was it?

23 MS. COPELAND: It is clearly marked.

24 BY MS. COPELAND:

25 Q. I mean, in fact, that is what your officers rode down on

1 to your knowledge because you remember seeing the cars there,
2 for instance.

3 A. There was cars all over the place back there.

4 Q. Sure.

5 MS. COPELAND: May I approach, Judge?

6 BY MS. COPELAND:

7 Q. I would like to show you what has been marked as
8 Government's Exhibit Number 7 and Government's Exhibit Number 3.

9 THE COURT: While you're doing that, let me ask the
10 witness to hand me those color photographs.

11 MS. COPELAND: Sure.

12 BY MS. COPELAND:

13 Q. So on 3 can you see the dirt road that goes --

14 A. Yes, ma'am.

15 Q. -- on the top side of the trailer?

16 A. Yes, ma'am.

17 Q. And you can see where it ends with the K9 unit car parked
18 in front of the little shed that you identified as house number
19 two.

20 A. He's backed in, yes, ma'am.

21 Q. Let me ask you this. The government asked you that no one
22 complained about the execution of the search warrant and you
23 testified that no one had.

24 A. No. Correct. Yes, ma'am.

25 Q. Did your agents have guns?

1 A. Did they?

2 Q. Yes.

3 A. Yes, ma'am.

4 Q. Were they drawn at any point?

5 A. I'm sure they were. Yes, ma'am. I'm sure they were.

6 Q. And you testified earlier that there may have even been a
7 sniper involved; is that correct?

8 A. Could have been, yes, ma'am.

9 Q. How many dogs were there?

10 A. Just one.

11 Q. Just one. Was it a German Shepherd?

12 A. No. It is --

13 Q. A Belgian Malinois?

14 A. In fact, he is a German Shepherd. Big.

15 Q. Big German Shepherd?

16 A. Oh, yeah.

17 Q. Okay. And so this was about 20 agents, and they were all
18 focused on this group of five to six men would you say?

19 A. Yes, ma'am.

20 Q. Because the women and children were not --

21 A. No, no. Everybody went to their designated area. So
22 where those four guys were arrested was for that designated area
23 to go arrest them.

24 Q. Let me ask you this. Mr. Martinez never tried to leave,
25 did he?

1 A. None of the males attempted to flee, no, ma'am.

2 Q. He was compliant?

3 A. Yes, ma'am.

4 Q. In fact, he was so compliant and got heat exhaustion from
5 being outside?

6 A. Yes, ma'am.

7 Q. And so after all of this happens, after you drive down,
8 after you secure what you believe to be Pablo's residence
9 without asking, is this order correct -- let me start again.
10 You're out on the property.

11 A. Yes, ma'am.

12 Q. You're in car number six.

13 A. Okay. Yes, ma'am.

14 Q. Okay. You and five -- four or five agents walk into what
15 you think is Mr. Rangel's tan-in-color mobile home; is that
16 correct?

17 A. Yes, ma'am.

18 Q. You secure the property.

19 A. We do.

20 Q. In the process of that, you find that Mr. Rangel is -- has
21 been apprehended.

22 A. I got a radio call, yes, ma'am.

23 Q. You got a radio call. You never ask if this is his
24 property.

25 A. No, ma'am.

1 Q. Okay. You go down to where Mr. Rangel is. Is that
2 correct?

3 A. Yes, ma'am.

4 Q. Okay. You ignore the fact that there's a dirt road
5 running in front of this mobile home.

6 A. I never saw it.

7 Q. The gray in color -- but that's the road you drove in on?

8 A. No. I did not drive through that road.

9 Q. So you drove through the back --

10 A. I drove through the grass directly to where they were at,
11 which is exactly where my vehicle is parked at.

12 Q. But to get to this property you had to take the winding
13 road --

14 A. I made a winding road. My car pulled directly into the
15 front of the residence. Five officers exited that area. Got
16 off on foot. I then drove through the grassy area back onto
17 where Mr. Rangel was parked.

18 Q. But you could have driven on this dirt road that went into
19 the property?

20 A. Wasn't until after you brought it up that I say yes,
21 ma'am, I could have.

22 Q. Okay. But it was there. So you then go down to speak to
23 Mr. Rangel.

24 A. No.

25 Q. No?

1 A. I informed him -- I informed the four males that we had a
2 search warrant for the residence. That was the end of my
3 communication with them.

4 Q. And you started searching everyone's home?

5 A. We started with house number one, yes, ma'am, or I start
6 with house number one.

7 Q. Which is the gray trailer?

8 A. Which is the gray-and-white trailer, yes, ma'am.

9 Q. Which has a separate house number?

10 A. Yes, ma'am.

11 Q. Which has a separate mailbox?

12 A. I guess, yes, ma'am.

13 Q. And it is only after you search every other place on this
14 dirt road that you then return to the residence that you have
15 always believed was Mr. Rangel's residence; is that correct?

16 A. Again, the reason that I started with that area, because
17 that's where the suspect was apprehended at. I went through the
18 area in close proximity, house number one, house number two,
19 house number three. And then I went to the furthest one, which
20 is house number four which would have been Pablo's residence.

21 Q. And while I appreciate the explanation, I just want to
22 make sure I have my timing right.

23 A. Okay.

24 Q. You searched every other residence on this property before
25 you returned to search the residence that you have always

1 believed belonged to Pablo Rangel?

2 A. Yes, ma'am.

3 Q. That is correct. The black Chevy Silverado,
4 Mr. Martinez's truck, did he ever try to get away from you? He
5 didn't, did he?

6 A. No, ma'am. As far as I know. I was not the one that
7 apprehended him. Again, I was in the residence, the first
8 residence when they were taken into custody. As far as I was
9 told, everybody was compliant. Nobody tried to flee, no one
10 tried to fight.

11 Q. And you certainly didn't see Mr. Martinez trying to drive
12 off in this truck?

13 A. No, ma'am.

14 Q. Did you -- did you know that it was Mr. Martinez's truck?

15 A. I did not, no, ma'am.

16 Q. But it was not parked by the tan-in-color residence?

17 A. It was parked by his -- by what was later to be determined
18 as his residence.

19 Q. By the gray trailer?

20 A. It was parked near the gray trailer, not directly -- it
21 was underneath a tree where the guys were apprehended at.

22 Q. And this was a hot day.

23 MS. COPELAND: Your Honor, if I may just look at my
24 notes to make sure that I've covered all the --

25 THE COURT: Sure.

1 MS. COPELAND: -- that I want to cover?

2 Your Honor, I think that's it for me.

3 THE COURT: Since you're the photographer of the
4 mailboxes --

5 MS. COPELAND: Yes.

6 THE COURT: -- and you've got a closeup of three
7 mailboxes, the white 275 mailbox is shown clearly and then
8 something numbered 20 or maybe 202 and then 135, you didn't take
9 a picture of what was written on the sides of those mailboxes.

10 MS. COPELAND: Your Honor, I don't think that there was
11 anything written on the sides, in all honesty, but I was also --
12 I grew up in Moultrie in Southwest Georgia, and I know how
13 people fly down the back roads. I was hesitant to get out of my
14 car and stand on a back road in Effingham County and photograph
15 those mailboxes.

16 THE COURT: That little lane that you see, the dirt area
17 that is --

18 MS. COPELAND: That's Milton Rahn Road that goes to the
19 right of those mailboxes.

20 THE COURT: Well, I'm talking specifically about this
21 area back here. That's part of that road?

22 MS. COPELAND: Your Honor, that is. That is Milton Rahn
23 Road. This is Rahn Station. I will note on this first
24 mailbox --

25 THE COURT: Is that pavement I see down there with the

1 white striping along the edge of the road?

2 MS. COPELAND: That is Rahn Station, and this says
3 actually 125 Milton Rahn Road on the far left mailbox, on the
4 first page or next to the right. And then --

5 THE WITNESS: Judge, here's a color copy if you want to
6 see them.

7 MS. COPELAND: Judge, you drive past this mailbox stand,
8 and I think, like you said, there was some trash cans out to the
9 side, and then there's a row of about 10 to 12 mailboxes or
10 however many is shown on here.

11 THE COURT: Underneath mailbox 280, what does that say?

12 MS. COPELAND: It looks like it says Katie Street,
13 Judge.

14 THE COURT: Or court?

15 THE WITNESS: Katie Court.

16 MS. COPELAND: Katie Court.

17 THE COURT: But as far as you know, there's nothing
18 written along the side of Box Number 135?

19 THE WITNESS: Judge, on the other page you can tell
20 there's something written on that mailbox.

21 MS. COPELAND: Your Honor, I do not believe that there
22 was. I believe that my client's affidavit testified to the fact
23 that he got mail at 135 Milton Rahn Road.

24 THE COURT: No, no. I don't doubt that. You know, I
25 know there's been testimony about some other mail being found in

1 there. But I was just -- what would anybody have seen by
2 looking at those mailboxes? So what we have here is, as you so
3 aptly described it, a cluster of mailboxes that are -- some of
4 them are for addresses on Milton Rahn Road that we now say, and
5 apparently that's true that I accepted, and some are for other
6 mailboxes for another road.

7 MS. COPELAND: I think there's at least one mailbox on
8 this photograph for Katie Court.

9 THE COURT: And I would assume there's some -- are there
10 any dwellings nearby on Rahn Station Road?

11 MS. COPELAND: Oh, Judge, it is an adventure to get back
12 to Rahn Station Road. Rahn Station is two-laned --

13 THE COURT: But I mean right here nearby these
14 mailboxes, are there any residences, mobile homes or homes?
15 Anything?

16 MS. COPELAND: It can only be considered
17 rural-Effingham-County close. You will drive past these
18 mailboxes and then there's a dirt road, and possibly, in
19 eyesight, but not right up on it, you will see a mobile home or
20 you'll see some farmland. You'll take this dirt road to the
21 back. You'll see houses with acreage and two, three, four
22 acres, small spreads, just kind of along this dirt road as you
23 head back to this compound.

24 THE COURT: All right. I'm familiar with that kind of
25 place. I don't know how the post office gets people to do that,

1 but they do. Yeah, I'm familiar with it. All right.

2 MS. COPELAND: I have no further questions.

3 MS. GROOVER: Would you like me to --

4 THE COURT: Tina, do you have questions for this
5 witness?

6 MS. HESSE: A couple, Your Honor. I won't try to cover
7 areas that have already been covered.

8 CROSS-EXAMINATION

9 BY MS. HESSE:

10 Q. My name is Tina Hesse, and I represent Jhonatan Rangel.

11 A. Good morning.

12 Q. Now, you mentioned the Chevy Tahoe that was searched on
13 the property that you said belonged to my client, Jhonatan
14 Rangel; correct? So three days later when Mr. Rangel was
15 stopped in that vehicle, what was the reason for that stop?

16 A. It was more of a need to question. Not really for me;
17 more the Homeland Security, H.S.I. who was with me, based on the
18 fact that there was firearms located inside of his room, as far
19 as that aspect. Second aspect I was looking at was he was
20 wanted for questioning in reference to the murder investigation
21 because it was later brought to light that every one of these
22 individuals that were working for the company under Mr. Pablo
23 Rangel all resided in the same close proximity. They all worked
24 for the same company, and they were all related. So I needed to
25 question in reference to the murder.

1 Q. So from what you just said, at least one of the reasons,
2 the first one that you stated was because there were guns found
3 in his room?

4 A. Yes, ma'am.

5 Q. At 135 Milton Rahn Road.

6 A. 275 Milton Rahn Road.

7 Q. Well, no, but he lived at 135 Milton Rahn Road.

8 THE COURT: Let's don't get into semantics.

9 THE WITNESS: Yeah, I --

10 THE COURT: That's our issue, isn't it, part of our
11 issue?

12 THE WITNESS: I don't know. You guys brought up 135
13 Milton Rahn Road. I've never seen that address before.

14 BY MS. HESSE:

15 Q. Right. Earlier today you testified that Jhonatan Rangel
16 resided, and these things that you found that you're saying in
17 his room were in the white-and-gray --

18 A. White-and-gray trailer, yes, ma'am.

19 Q. Which was house number one?

20 A. House number one, yes, ma'am.

21 Q. Which we now know is 135 Milton Rahn Road. Right?

22 A. Again, I don't know that. As far as I know, it was 275
23 Milton Rahn Road.

24 Q. Okay.

25 THE COURT: Well, you've been questioned by the United

1 States Attorney and prepared for your testimony today. And I
2 assume it might have come up in the course of that discussion.
3 Did it not?

4 MS. GROOVER: I'm sorry?

5 THE COURT: That there was an issue about the proper
6 address of that residence and perhaps that its actual physical
7 address was 135 Milton Rahn Road?

8 MS. GROOVER: Did I have -- I'm sorry. I missed --

9 THE COURT: When you're talking with your witness.

10 MS. GROOVER: Oh. Yes.

11 THE COURT: This Detective Rodriguez.

12 MS. GROOVER: Yes.

13 THE COURT: Did it not come up that, well, there's a
14 contention that that was a different address than 275, that it
15 was 135?

16 MS. GROOVER: That's correct.

17 THE COURT: That must have come up.

18 MS. GROOVER: Yes, Your Honor. It did.

19 THE COURT: But does the government stipulate that the
20 actual address of the gray trailer with white trim, gray mobile
21 home, is 135?

22 MS. GROOVER: The government stipulates that on the
23 front of that trailer there is a sticker that says 135 and that
24 there is a mailbox that says 135 in close -- coupled next to the
25 275. However, it is the government's contention based on the

1 property records that were attached to the affidavit that that
2 trailer is located and has the legal residence of 275 Milton
3 Rahn Road. And indeed, there was mail addressed at 275 Milton
4 Rahn --

5 THE COURT: Well, I heard that. I heard that. Does the
6 government dispute that this mailbox out here that's 135 that --
7 Amy Lee took a picture of that -- that that goes with this
8 mobile home?

9 MS. GROOVER: The government has no additional
10 information if it does or not. That was some of my followup
11 questions for the detective.

12 THE COURT: Nobody's run down the letter carrier asking
13 him --

14 MS. GROOVER: No, sir.

15 THE COURT: -- about that. On the mailboxes, Detective
16 Rodriguez, did you pay any attention to them? Did you ever get
17 out there to the mailboxes before you went to search?

18 THE WITNESS: No, sir. No, sir. I did see the
19 mailboxes as we turned on to the property. It was just slightly
20 off the road.

21 THE COURT: All right. You saw them.

22 THE WITNESS: Yes, sir, I did see them.

23 THE COURT: Did you notice particularly 135?

24 THE WITNESS: No, sir, I didn't pay close attention to
25 the 135, no, sir.

1 THE COURT: Did any of the officers -- you talked to a
2 lot of county officers --

3 THE WITNESS: Yes, sir.

4 THE COURT: -- deputies about what's this property like.

5 THE WITNESS: Yes, sir.

6 THE COURT: You were trying to figure -- you couldn't
7 get in there without tipping your hand.

8 THE WITNESS: Correct.

9 THE COURT: And so you're asking them questions about
10 it. Did it ever come up that there was a structure in there
11 numbered 135?

12 THE WITNESS: No, sir. In fact, the verbiage on the
13 search warrant as far as the trailer being gray and white was
14 provided by Effingham County as 275 Milton Rahn Road.

15 THE COURT: When you asked them what was at 275 Milton
16 Rahn Road.

17 THE WITNESS: That is their wording on this search
18 warrant as far as the colors of the trailers, the house, that is
19 provided by Effingham County.

20 THE COURT: All right. And Amy Lee, there's nothing
21 written along the side of Box 275 either saying Milton Rahn
22 Road?

23 MS. COPELAND: Your Honor, I'm not certain. I do not
24 believe so.

25 THE COURT: All right. Proceed, Ms. Hesse. I'm sorry.

1 BY MS. HESSE:

2 Q. So I'm clear, because you did answer pretty quickly before
3 about the reasons that Jhonatan Rangel was stopped three days
4 later, you said because guns were found in his room?

5 A. Yes, ma'am.

6 Q. Because Homeland Security was interested, because he
7 was --

8 A. The guns found in the room.

9 THE COURT: Did they know he was illegal?

10 THE WITNESS: I -- I'm not 100 percent sure, Judge. I
11 remember after talking to Juan in his interview, it did come up,
12 yes, sir. So they did know that he was an illegal alien.

13 THE COURT: All right.

14 BY MS. HESSE:

15 Q. And where was the Chevy Tahoe on the property on the
16 (indiscernible) property you searched?

17 A. In front of Juan Rangel's residence. House number two.

18 Q. And no firearms were found at that house?

19 A. Only one round of ammunition.

20 Q. Oh, the other thing was you said that Mr. Jhonatan Rangel
21 after the vehicle stop was detained and arrested and then
22 interviewed.

23 A. He was -- I was knocking at a separate residence looking
24 for an individual. My captain, my sergeant and a special agent
25 from H.S.I. advised me afterwards that they had the vehicle

1 stopped. I approached them. It was not a traffic stop. I
2 guess it was more of a, hey, you, pull over. The driver
3 complied. And I saw H.S.I. escorting both males out of the
4 vehicle. It was at that time that I approached them, and we
5 began talking about, this is Jhonatan and it was another male
6 that was with Jhonatan as well.

7 Q. When you say escorted them out of the vehicle, were they
8 under arrest at that point?

9 A. They were detained.

10 Q. Was Jhonatan Rangel arrested prior to his interview?

11 A. Per me, no, ma'am. I had no charges on him whatsoever.
12 You'd have to ask H.S.I. that.

13 Q. You interviewed him; right?

14 A. Yes, ma'am, I did.

15 Q. Did you tell him he was free to leave or --

16 A. I advised him of his constitutional rights. I don't
17 believe I told him he was free to leave, no, ma'am. I did
18 advise him of his rights.

19 Q. But according to you, he was not under arrest at that
20 point, by you?

21 A. By me, no, ma'am. No, ma'am.

22 THE COURT: He was certainly in custody. I mean
23 Miranda -- if no rights were read to him, you'd have a real
24 grounds for suppression. But your theory is not a violation of
25 the principles outlined in Miranda, but instead, this

1 questioning never would have occurred but for a violation of his
2 Fourth Amendment rights. And they found a weapon, and that's
3 what they were interested in, the weapon that they had seized
4 unlawfully, as the defendant would have it, led to his stopping
5 and -- although he was illegal, and I guess Immigration could
6 have stopped him for that reason, what they were interested in
7 is an illegal with a gun. And the gun came to light as a result
8 of what you contend was an illegal search.

9 MS. HESSE: Absolutely, Judge. Thank you, Judge. I
10 don't have any other questions.

11 MR. BLACKBURN: I just have a few questions.

12 CROSS-EXAMINATION

13 BY MR. BLACKBURN:

14 Q. Now, if I heard you right, you just testified that Juan
15 Rangel was in house number two.

16 A. He was not inside the residence, no, sir.

17 Q. But that was his residence, house number two --

18 A. House number two was his residence, yes, sir.

19 Q. But you didn't find any guns in his residence?

20 A. Oh, I found an array of guns inside the residence.

21 Q. Well, maybe I didn't hear you right, but I thought you
22 just said that in house number two you didn't find any guns; you
23 just found ammunition?

24 A. Inside the Chevrolet Tahoe there was no guns, only
25 ammunition. Inside the residence there was a cache of guns in

1 there.

2 Q. Now, earlier you testified that he lived in camper number
3 three. So which one was he --

4 A. He lives in camper number two.

5 Q. Camper number two.

6 A. This was the second residence searched with the shack in
7 the front.

8 Q. All right. Well, let me get something else straight. Do
9 you still have the warrant there in front of you?

10 A. Yes, sir, I got numerous copies.

11 Q. The warrant application?

12 A. Yes, sir.

13 Q. There's an Exhibit A to that application. There's an
14 Exhibit A attached to it, which is --

15 A. Exhibit 1? Government's Exhibit 1?

16 Q. (Indiscernible) -- map of Effingham County. I think your
17 copy is probably a lot better than the copy that I have --

18 A. Oh, you talking about the pictures, yes, sir. Yes, sir.

19 Q. Two or three copies over.

20 A. Yes, sir.

21 Q. I'd like to ask you to mark it, but I really shouldn't do
22 that when that has already been put in evidence. Which of these
23 parcels outlined on this map is the parcel we're concerned with?

24 A. It's the one that you can see has been broken down.

25 MR. BLACKBURN: Your Honor, may I approach?

1 THE COURT: Sure.

2 THE WITNESS: I don't know if you have the colored --
3 it's --

4 BY MR. BLACKBURN:

5 Q. Mine's not colored.

6 A. It's that one right there.

7 Q. Okay. This is basically the bottom parcel.

8 A. Yes, sir.

9 Q. Okay. So the trapezoid shaped.

10 A. Yes, sir.

11 Q. Okay. And the road that runs in front of it is Milton
12 Rahn Road?

13 A. Yes, sir. I believe.

14 Q. All right. And if you look at your Exhibit B, which is
15 the Google Maps --

16 A. Yes, sir.

17 Q. -- if we look at the right-hand side of that, that's
18 Milton Rahn Road that runs down there on the right-hand side.
19 And then the one that turns off to the left is the private road.
20 Is that correct?

21 A. Yes, sir.

22 Q. Now, as a matter of fact, you say you were vehicle number
23 six.

24 A. I don't remember. That's what the defense told me was
25 vehicle -- I don't recall which vehicle exactly I was. I was

1 somewhere in the middle of the pack.

2 Q. Who was in the first vehicle?

3 A. Effingham County.

4 Q. What about the second and third --

5 THE COURT: Oh, come on.

6 THE WITNESS: Effingham County.

7 THE COURT: What's that got to do with anything?

8 MR. BLACKBURN: You will see in just one second.

9 THE COURT: Well, go ahead then.

10 BY MR. BLACKBURN:

11 Q. Juan Rangel was actually on Milton Rahn Road when you
12 arrived, wasn't he?

13 A. I don't know at what point that becomes a private drive.
14 He was on a dirt road when the traffic stop was initiated. You
15 can see the residence from where he was pulled over or told to
16 pull over.

17 Q. So if you're on Milton Rahn -- if you look at your map for
18 Milton Rahn Road, you can see the residence, couldn't you?

19 A. Correct. Again, I can't answer that because I don't know
20 at what point or if it was a private drive, is it a public
21 drive. I don't know. I know that from where he was stopped, if
22 I looked towards the left, I was behind Pablo's house. So I
23 can't tell you exactly if that's an actual private drive or if
24 that's 275 Milton Rahn Road.

25 Q. Who actually stopped him?

1 A. I believe it was one of the detectives from Effingham
2 County. It was the first vehicle.

3 Q. And he was made to return to the property?

4 A. He was told to turn around and come back to the property.

5 Q. But he was not on the property when you got there?

6 A. Again, I can't answer that question because I don't know
7 at what point --

8 THE COURT: Mr. Blackburn, in your original so-called
9 preliminary motion, you keep saying at the time of the search
10 defendant was outside. That's undisputed here on this record.
11 You say that he was not in possession of a firearm at the time
12 he was seized. That's apparently undisputed. What are you
13 driving at? I mean you're just belaboring the record with
14 obvious facts that are already in the record.

15 MR. BLACKBURN: What I was trying to drive at is it's my
16 understanding he was on the public road when he was stopped and
17 told to turn around and go back onto the property.

18 THE COURT: We're talking about the validity of a search
19 warrant. What's that got to do with the validity of the search
20 warrant, sir?

21 MR. BLACKBURN: Well, he shouldn't have even been there,
22 I guess is part of it. And --

23 THE COURT: Well, of course, this preliminary motion is
24 a nullity, and I confess that I looked very briefly at your
25 supplemental motion filed way out of time. The government

1 hadn't even seen it, and I doubt you've read it yet to this
2 moment.

3 MS. GROOVER: No, Your Honor.

4 THE COURT: You've had no opportunity to see it.

5 MS. GROOVER: No, I have not, Your Honor.

6 THE COURT: And you're talking in this supplemental
7 motion, you're moving to suppress what? The search, the things
8 recovered through the search warrant. You talk about the
9 affidavit not being -- showing probable cause and there not
10 being -- it wasn't with way-misspelled "sufficient
11 particularity." And where he is stopped, whether he was on the
12 private drive or the public road is just immaterial to the
13 question of the validity of this search warrant. You're wasting
14 my time.

15 MR. BLACKBURN: I'm sorry, Your Honor. I was focusing
16 on the fact that he was personally seized from a public road and
17 returned to the property.

18 THE COURT: Did the government know that that was the
19 issue he was raising here today?

20 MS. GROOVER: The government could generally get on the
21 fact that he wasn't on the property when he was -- when the
22 search was executed, but the government doesn't see that to be
23 material to this issue.

24 THE COURT: Anything else, Mr. Blackburn?

25 MR. BLACKBURN: That's all, Your Honor.

1 THE COURT: All right. Was the murder weapon recovered?

2 THE WITNESS: It's unknown at this time, Judge. The
3 guns were sent out to the GBI for analyzation to be compared
4 with the bullets recovered from the body.

5 THE COURT: Was any bullet intact that would show
6 markings that might be useful?

7 THE WITNESS: A lot of fragments. A lot of fragments.

8 THE COURT: All right. Thank you, Detective. You may
9 go down.

10 MS. GROOVER: Your Honor --

11 THE COURT: Oh, you have some more. I don't want to cut
12 you off. I'm sorry.

13 MS. GROOVER: Just very briefly.

14 THE COURT: Yeah, sure.

15 REDIRECT EXAMINATION

16 BY MS. GROOVER:

17 Q. Ms. Copeland asked you earlier about when it was
18 determined that a possible small-caliber, .22-caliber bullet may
19 have been used and referred to days later. I want to direct you
20 to Page 3, the first paragraph of your affidavit, which is
21 Government's Exhibit 1. Would you agree that it says at the end
22 of that paragraph, "it was apparent from evidence on scene that
23 Eliud was shot with a small-caliber bullet, possibly a .22-
24 caliber bullet?"

25 A. Yes, ma'am.

1 Q. But did you determine prior to getting your search warrant
2 that that was the possible firearm used in this murder?

3 A. Preliminary investigation with the hole that we saw in the
4 body, on the scalp as well as the I guess the indentation on his
5 shoulder, showed that it was possibly going to be a
6 small-caliber weapon.

7 Q. You determined that on scene before speaking --

8 A. Preliminary, yes, ma'am. Preliminary investigation.

9 Q. And with respect to the mailboxes, how far away would you
10 say they were from the residences that you were searching?

11 A. Not close, not far. Kind of in between. It was
12 definitely within the walk, I mean I guess the drive in. But
13 you're talking about 1,000 -- maybe 1,000 yards or 1,000 -- 100
14 acres away from where the actual search was conducted.

15 Q. And Exhibit B of Government's Exhibit 1, your affidavit,
16 search warrant and affidavit, that is a Google Maps aerial view?

17 A. Yes, ma'am.

18 Q. Am I correct in that?

19 A. Yes, ma'am.

20 Q. And you can see there's a road on the right and there's a
21 structure that's white that's highlighted that you can see.

22 A. Yes, ma'am.

23 Q. And then above that there's a cluster of buildings, it
24 appears, as something to the top. Do you see that?

25 A. Yes, ma'am.

1 Q. And are those two items -- did you highlight those for the
2 magistrate?

3 A. Yes, ma'am, we did.

4 Q. And why did you highlight them?

5 A. To show, I guess, some of the array of properties on the
6 actual property itself.

7 Q. And so it's your understanding there were multiple
8 locations where people could live on this 26 acres that your
9 determination was owned by Pablo Rangel that you were going to
10 be searching?

11 A. Yes, ma'am.

12 MS. GROOVER: Thank you. No further questions.

13 MS. COPELAND: Just a few followup.

14 RECROSS-EXAMINATION

15 BY MS. COPELAND:

16 Q. But the person you were really interested in, of course,
17 was Pablo Rangel?

18 A. He was the one that, like I said, we felt he was going to
19 be associated to this homicide, yes, ma'am.

20 Q. In fact, when you pulled up to the property, there was a
21 Wolf Tree work truck right by the tan-in-color residence; is
22 that right?

23 A. Right next to the main house, yes, ma'am.

24 Q. And the Wolf Tree was an important part of your
25 investigation, was it not?

1 A. Subsequently, yes, ma'am.

2 Q. But that was what Eliud Montoya's family had told you that
3 this was all involved about prior to the execution of --

4 A. Correct, yes, ma'am.

5 Q. It was about an employment issue.

6 A. Correct.

7 Q. And there was the Wolf Tree truck parked next to the tan
8 mobile home; is that right?

9 A. Yes, ma'am.

10 MS. COPELAND: May I approach, Judge?

11 THE COURT: Yes.

12 BY MS. COPELAND:

13 Q. I'm going to show you, once again, Government's Exhibit 6.
14 This was a piece of mail that you identified as being found in
15 the gray trailer.

16 A. Uh-huh.

17 Q. Now, the name on that piece of mail is Maria D. Gonzalez
18 Juárez; correct?

19 A. Gonzalez, yes, ma'am.

20 Q. And the address shown is 275 Milton Rahn Road; right?

21 A. Yes, ma'am.

22 Q. Okay. Page 7 of my Exhibit Number 3, your investigative
23 report, do you recall finding in the child's play room and
24 office of the tan mobile home that was Pablo Rangel's a copy of
25 Ms. Gonzalez Juárez's residence card, Georgia driver's license

1 and Social Security card? It is on the fourth full paragraph on
2 Page 7 of Martinez Exhibit 3.

3 A. Yes, ma'am.

4 Q. And so the name at least appears to be the same name as
5 the mail --

6 A. Correct, yes, ma'am. Similar.

7 MS. COPELAND: Okay. I have no further questions.

8 THE COURT: All right. If there are no further
9 questions for this witness, you're excused.

10 MS. GROOVER: Nothing for the government, Your Honor.
11 The government calls Special Agent Tony Miranda to the stand.

12 THE COURT: You may go down and stay in the courtroom.

13 THE WITNESS: Do you want me to leave the paperwork
14 here?

15 THE COURT: That's up to the government.

16 MS. GROOVER: The government does not need to use the
17 exhibits for the next witness, Your Honor.

18 THE COURT: All right. Just hand those to the clerk.
19 All those have been marked and admitted?

20 MS. GROOVER: That's the government's understanding,
21 Your Honor.

22 MS. COPELAND: I marked Mr. Martinez's exhibits with the
23 designation M because I was not certain if other defendants
24 would be marking any exhibits.

25 MS. GROOVER: All right. May this witness be excused,

1 Your Honor?

2 THE COURT: Be excused or remain in the courtroom.
3 Whatever he wishes to do.

4 THE CLERK: Sir, you have previously been sworn. If you
5 would, just be seated; state your name and your occupation for
6 the record, please.

7 THE WITNESS: Anthony Miranda. I'm a special agent with
8 Homeland Security Investigations.

9 ANTHONY MIRANDA, having been previously
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. GROOVER:

13 Q. And before you were employed as a special agent with
14 H.S.I., where did you work, sir?

15 A. I worked for the U. S. Border Patrol in (indiscernible)
16 New Mexico.

17 Q. And what were your duties as border patrol?

18 A. I had various duties. I patrolled the border, apprehend
19 people entering the country undocumented.

20 Q. And do you speak Spanish, sir?

21 A. Yes, I do.

22 Q. Fluent Spanish?

23 A. Yes, I do.

24 Q. And what are your duties now with Homeland Security?

25 A. Now I investigate various crimes that fall under federal

1 statutes, to include alien smuggling, undocumented aliens. I
2 also do Customs law, Immigration.

3 Q. On August the 19th of 2017, a homicide that occurred in
4 connection with this case, were you called to assist local law
5 enforcement with the execution of a search warrant?

6 A. Yes, I was.

7 Q. What was your understanding of why you were assisting?

8 A. They believed there was possible human trafficking. They
9 were trafficking victims that were of possible Mexican descent
10 is what was suspected.

11 Q. It was your understanding that there was possible
12 individuals who were illegally in this country that may be
13 present?

14 A. Yes.

15 Q. Were you present for the debriefing in this case by
16 Detective Rodriguez before the execution of the search warrant?

17 A. Yes, I was.

18 Q. And what was your understanding of what law enforcement
19 was going to be doing that day?

20 A. They were going to be executing a search warrant and
21 search for a murder weapon of a murder that had occurred.
22 There's a possible weapon belonging either to the suspect of the
23 murder or his nephew.

24 Q. Was it your understanding that there was multiple
25 dwellings, trailers or campers on the property that were to be

1 searched?

2 A. Yes.

3 Q. And were you present at the actual execution of the
4 warrant on August the 20th, 2017?

5 A. Yes, I was.

6 Q. Can you describe for the Court what you did when you first
7 got on scene?

8 A. When I got on scene, I -- I didn't participate in the
9 search warrant. What I did was just looked for people that I
10 could talk to or approach and tried to get -- assess the
11 situation, see if there was possible trafficking conditions.
12 And so I just exited my vehicle and walked the property pretty
13 much.

14 Q. Tell the Court what you were wearing that day.

15 A. I was wearing my body armor, which has indicators of
16 my agency, has H.S.I. -- an H.S.I. badge. It has indicators on
17 the back, both the front and the back. I was also wearing a
18 ball cap that has a badge on it.

19 Q. Did you have anything that said ICE?

20 A. Yes.

21 Q. Or Immigration?

22 A. Yes. Yes. I had Homeland Security.

23 Q. So people were able to recognize that you were there from
24 Immigration as well?

25 A. Yes. They should have, yes.

1 Q. And did you encounter a Mr. Juan Rangel?

2 A. Yes, I did.

3 Q. Tell the Court how that occurred.

4 A. I was walking -- walking around, and I saw him, so I
5 approached him. I identified myself as an immigration officer.
6 I asked him where he was from. He told me.

7 Q. What did he tell you?

8 A. He told me he was from Hidalgo, Mexico.

9 Q. And what did you do after he told you he was from Mexico?

10 A. I asked him how he came to be in the United States. He
11 said he crossed the border. I asked him if he entered here with
12 documents. He said no. I read him his rights --

13 Q. Let me stop for a moment. Those initial questions, were
14 those standard immigration questions?

15 A. Yes. Yes.

16 Q. Can you describe that for the Court?

17 A. Through my training I've been trained to always identify
18 myself first as an immigration officer. In this particular
19 instance I identified myself as an Immigration and Customs
20 Enforcement agent. Then you do a standard questions of where
21 the person -- establish where the person was born and their
22 nationality, citizenship and nationality, and then you establish
23 how they entered the United States and how long they've been
24 here.

25 Q. And was this conversation with Mr. Juan Rangel conducted

1 in Spanish?

2 A. Yes, it was.

3 Q. And did he understand your questions and have any
4 difficulty communicating with you?

5 A. He appeared to understand my questions, had no difficulty
6 communicating with me.

7 Q. And so when you encountered Mr. Juan Rangel on the
8 property, did you advise him of these standard immigration
9 questions?

10 A. Yes, I did.

11 Q. And after he then acknowledged to you that he was in this
12 country illegally, did you advise him of his Miranda rights?

13 A. Yes, I did.

14 Q. And how did you advise him of his rights?

15 A. We have a standard form. I showed him the form. I read
16 him the rights and then had him read the rights off the form
17 also.

18 Q. And you did this right there on the property?

19 A. Yes, right there on the property.

20 Q. Did there come a time later on the day of August 20th that
21 you spoke again with Mr. Juan Rangel?

22 A. Yes. I spoke to him multiple times throughout the --
23 throughout the day.

24 Q. And the initial time when you encountered him after you
25 advised him of the immigration questions, was this encounter

1 recorded at all?

2 A. No, it was not.

3 Q. Did you later interview him down in Garden City again?

4 A. Yes, I did.

5 Q. Was that recorded?

6 A. Yes, it was.

7 Q. Okay. Backing up to the first time when you encountered
8 him, after you advised him of his Miranda rights, did he appear
9 to understand his rights?

10 A. Yes, he did.

11 Q. And did he -- having understanding those rights, did he
12 waive them and agree to speak with you?

13 A. Yes, he did.

14 Q. And what did you guys talk about?

15 A. We spoke about various things. It was a hot day, so we
16 walked under some shade, a shaded area that they had there. And
17 I knew that they were executing a search warrant, so for the
18 safety of the other officer, I asked him if there was anything
19 that could harm the officers if they were looking in the homes.
20 He said yes, that there was a weapon that he was holding for a
21 friend. Firearms.

22 Q. And you said "anything in the home." Did you identify in
23 particular what home you were referring to or did you just make
24 a general statement?

25 A. I made a general statement, and then he looked back

1 towards where his home was, his residence.

2 Q. And again, was his residence the light-colored pull-behind
3 camper located at the rear of the gray mobile home?

4 A. Yes.

5 Q. That seemed to be a small shed built on top of a camper?

6 A. Yes.

7 Q. Is that the location where law enforcement found various
8 weapons including a firearm in the oven?

9 A. Yes, that's correct.

10 Q. Okay. Did he indicate to you if he had a son?

11 A. Yes, he did.

12 Q. And did he tell you the son's name?

13 A. Yes. Yes, he did.

14 Q. Did he explain if the son was in this country illegally?

15 A. Yes.

16 Q. What did he say about that?

17 A. I asked him if -- knowing that -- after I found out that
18 he was the suspect's brother, knowing that he had -- that there
19 was also a possible nephew that might have had the murder
20 weapon, I asked him if he had any -- any sons that would be the
21 nephew of the suspect, and he said he did. And then I asked him
22 how old the son was. I can't remember the exact date he gave
23 me. And then I asked him if he was here illegally, and he said
24 yes, that he was here illegally also.

25 THE COURT: Approximate age of the son?

1 THE WITNESS: 20 -- in his 20s. I can't remember
2 exactly, Your Honor.

3 THE COURT: Okay.

4 BY MS. GROOVER:

5 Q. You identified per Mr. Juan Rangel that he was the brother
6 of the murder suspect at the time, Pablo Rangel?

7 A. Yes, I did.

8 Q. And that -- did you have an understanding before entering
9 and executing the -- assisting with the search warrant that
10 there was a possible nephew of Mr. Pablo Rangel that may possess
11 the murder weapon?

12 A. Yes, I did.

13 Q. And Mr. Juan Rangel explained that he had a son who would
14 be the nephew of Mr. Pablo Rangel; is that correct?

15 A. That is correct.

16 Q. And so did you ask where he was?

17 A. Yes. I asked where he was.

18 Q. Was he on the scene of the property?

19 A. He was not. He was not on the scene.

20 Q. What did you do after that initial encounter with Mr. Juan
21 Rangel?

22 A. I sat him down in that shaded area. And then just let the
23 local officers handle the search warrant.

24 Q. Did you speak with any of the other males that were
25 there -- I assume were there other males?

1 A. Yes. There were other males.

2 Q. Was this under like a carport type area?

3 A. Yes, it was.

4 Q. And how many men were there?

5 A. There was Mr. Rangel; his brother, Pablo; Mr. Martinez;
6 another gentleman, I can't remember his name right off the top
7 of my head. And --

8 Q. Approximately four people or so?

9 A. Yes.

10 Q. Okay. And did you advise them all of your standard
11 immigration questions before speaking with them about anything
12 else?

13 A. Yes, I did.

14 Q. And again, the same process did you go through with each
15 one of those individuals as you did with Mr. Juan Rangel?

16 A. Yes, I did.

17 Q. And did they have any questions for you?

18 A. No, they did not. They all --

19 Q. And what about Mr. Hipolito Martinez-Martinez? Did he
20 appear -- did he answer the immigration questions?

21 A. Yes, he did.

22 Q. And what did he advise you?

23 A. He advised that he was also from Mexico, that he was not a
24 citizen of the United States, that he was here without the
25 proper documents to be remaining in the United States.

1 Q. And after he advised you of that, did you then advise him
2 of his Miranda rights?

3 A. Yes, I did.

4 Q. And how did you advise him of his Miranda rights?

5 A. The same way, Spanish.

6 MS. COPELAND: Objection, Your Honor. We're kind of
7 getting far afield of what Mr. Martinez's claims are in this
8 motion.

9 THE COURT: It seems that we are.

10 MS. GROOVER: I was just going through the general
11 nature of how the search and the treatment of individuals or
12 whether -- to the issue of whether or not it was executed in a
13 legal manner.

14 THE COURT: All right.

15 MS. GROOVER: But if Your Honor has heard enough on this
16 subject, I can move on.

17 THE COURT: Well, I -- yeah, I wondered where this was
18 going, but yeah, issues have been raised about it being hot and
19 how people were treated, and so I think it's a fair line of
20 questioning that, yeah, how it proceeded from his point of view,
21 in light of some of the suggestions there may be some
22 impropriety. I mean hot days are hot days. They would have
23 preferred it cooler I'm sure.

24 BY MS. GROOVER:

25 Q. In general, did you remain at or near these gentlemen?

1 A. Yes.

2 Q. And did you speak with them in Spanish?

3 A. Yes, I did.

4 Q. And did they appear to have any confusion or questions
5 that they were asking you about what was going on and what was
6 taking place?

7 A. No, they did not.

8 Q. Were they cooperative?

9 A. They were very cooperative.

10 Q. And were you cooperative with them?

11 A. Yes, I was.

12 Q. And did they complain at all about how they were treated
13 at all?

14 A. No, not to me they didn't.

15 Q. Okay. And were they offered opportunities to use the
16 restroom and have water?

17 A. Yes, they were.

18 Q. Did you personally observe anyone suffering from heat
19 exhaustion or anything of that nature?

20 A. Personally I did not.

21 Q. Mr. Juan --

22 THE COURT: Is this -- where you're talking about this
23 interview or series of questions posed to these gentlemen, is
24 this under the fan or before they got to the area where the fan
25 was?

1 MS. GROOVER: This initial questioning was just under
2 the carport.

3 THE WITNESS: My initial questioning was under the
4 carport.

5 BY MS. GROOVER:

6 Q. And did your --

7 THE COURT: And that is before they were carried to
8 where the fan was? I'm confused about where the fan is.

9 MS. GROOVER: Yes, Your Honor. I'll clarify. After
10 they were initially in the carport, because of getting hot, they
11 then moved the men to --

12 THE COURT: And the carport of which dwelling?

13 MS. GROOVER: -- the carport -- it was not a dwelling.
14 I think it's identified in the photographs of Defendant
15 Martinez.

16 THE COURT: The big long structure with the camper
17 parked under it?

18 MS. COPELAND: Yes.

19 THE COURT: Okay. All right.

20 MS. COPELAND: The fourth and fifth photograph in my
21 Composite Exhibit 1.

22 THE COURT: All right. That's where the interview
23 started.

24 MS. GROOVER: Initially, yes.

25 THE COURT: And I think Detective Rodriguez said they

1 were there for about an hour, hour and a half --

2 MS. GROOVER: Before they were moved by law enforcement
3 because it was so hot.

4 THE COURT: You just testified you never saw one in any
5 physical distress.

6 THE WITNESS: No, I did not. Not personally, Your
7 Honor.

8 THE COURT: Well, specifically Defendant Martinez here,
9 did you notice anything unusual about his behavior? Was he
10 acting in an odd manner or did he seem to be, you know, overtly
11 having problems because of the heat?

12 THE WITNESS: Not that I noticed, Your Honor. The only
13 thing I do remember -- recall him later on as I -- because I
14 didn't stay with them the whole time. I walked around the
15 property. I do remember towards the -- when they were getting
16 ready to transport him to Garden City, I remember he asked about
17 his shoes. But I really wasn't part of that, so I didn't pay
18 too much attention. I just remember he asked something about --
19 he said something about his shoes, wanting to change his shoes,
20 I believe.

21 THE COURT: All right. Well, there's no dispute that he
22 had some heat-related issues, but this witness never saw that.

23 MS. GROOVER: That's my understanding, Your Honor.

24 THE COURT: Okay. All right.

25 BY MS. GROOVER:

1 Q. You testified that you walked around throughout the
2 search.

3 A. Yes.

4 Q. Did you participate in the seizure and photographing of
5 anything at the property?

6 A. No, I did not.

7 Q. At some point -- so why were you walking around?

8 A. Maybe to see if there was anybody else talking about just
9 pretty much be around, try to see what I noticed, see what I
10 see, see if I notice anything that I can bring to their
11 attention, anything that might be of interest in any possible
12 investigations we might have. And that was pretty much it. I
13 also walked around with Mr. Rangel around the property, because
14 I like to try to document as much as I can, so I walked around
15 and asked him which -- who lived in which dwelling, which
16 vehicle belonged to who and tried to get a better sense of who
17 owned what on the property.

18 Q. And did Mr. Rangel voluntarily go with you?

19 A. Yes. Yes, he did.

20 Q. And did he identify where he lived, where his son lived,
21 where Mr. Hipolito Martinez lived?

22 A. Yes, he did.

23 Q. Where Pablo Rangel lived?

24 A. Yes, he did.

25 Q. And whose cars they drove?

1 A. Yes.

2 Q. He was cooperative with you?

3 A. He was cooperative.

4 Q. And approximately how many search warrants have you been
5 involved with throughout your career in law enforcement?

6 A. I wouldn't know exactly. Multiple, several search
7 warrants throughout my career.

8 Q. Hundreds?

9 A. Probably not hundreds, but close to hundreds.

10 Q. And based on your training and experience, did you notice
11 anything unusual about the execution of this particular search
12 warrant over the compound, if you will?

13 A. No, I did not.

14 Q. Several days later after the execution of the search
15 warrant, did you encounter Jhonatan -- well, let me back up.
16 While you were walking around the property, did anyone hand you
17 a passport?

18 A. Yes. One of the Effingham County officers handed me a
19 passport.

20 Q. And whose passport did they give you?

21 A. That was Jonathan's.

22 Q. The passport that was seized during the execution of the
23 search warrant?

24 A. Yes, it was.

25 Q. And prior to receiving that passport, had you already

1 learned from speaking with Mr. Juan Rangel, the father, that he
2 was in this country illegally?

3 A. Yes.

4 Q. And so did you take that passport?

5 A. Yes, I took it.

6 Q. But Mr. Jhonatan Rangel was not on the scene that day?

7 A. He was not.

8 Q. Several days later, I believe on August 23rd, 2017, did you
9 locate Jhonatan Rangel?

10 A. Yes, we did.

11 Q. And how did you find him?

12 A. We were assisting again with the investigation in
13 Savannah, I believe on Ferguson, if I'm -- I believe it was
14 Ferguson, in the trailer park. And we had no success. As we
15 were leaving, I noticed the same SUV driving into the parking
16 lot, had to turn around. I noticed it had Texas plates. I knew
17 that one of the SUVs on the property had Texas plates.

18 Q. The gold Tahoe?

19 A. The gold Tahoe. And I remember Mr. Rangel had told me
20 that his son last drove that the day before we executed the
21 search warrant. So I went ahead and called out -- the driver
22 had his window down. I called him out, and I approached him;
23 and same as I always do, I identified myself as an immigration
24 officer.

25 Q. And how were you dressed that day?

1 A. I was dressed with the same gear that I had on the day of
2 the search warrant.

3 Q. Clearly identifying yourself as an immigration officer?

4 A. Yes. Clearly.

5 Q. And what did you tell the driver of the Tahoe?

6 A. I asked him about -- I identified them, asked them about
7 their immigration status and determined that they were both in
8 the country illegally.

9 Q. Did you advise them of the standard immigration questions
10 that you were trained to do?

11 A. Yes, I did.

12 Q. And did you determine that Jhonatan Rangel was the
13 passenger of this vehicle?

14 A. No. Jhonatan Rangel was not the passenger.

15 Q. He was the driver?

16 A. He was the driver.

17 Q. Thank you for -- thank you. And did he answer your
18 questions?

19 A. Yes, he did.

20 Q. And did he admit to being in this country illegally?

21 A. Yes, he did.

22 Q. And then what did you do?

23 A. And then after we determined he was here illegally, we
24 took him into custody and took him back to Garden City for
25 further questioning.

1 Q. And then he was -- that interview then took place?

2 A. Yes.

3 Q. And was that initial encounter at the -- on Ferguson, in
4 the Tahoe, was that recorded?

5 A. No, it was not.

6 Q. But was the subsequent interview formally recorded?

7 A. Yes, it was.

8 Q. And did you advise him of his rights?

9 A. Yes.

10 Q. And he agreed to speak with you?

11 A. Yes, he did.

12 MS. GROOVER: Your Honor, may I have just a moment,
13 please?

14 THE COURT: Yes.

15 MS. GROOVER: I believe those are all the questions I
16 have.

17 THE COURT: Proceed.

18 CROSS-EXAMINATION

19 BY MS. COPELAND:

20 Q. Good afternoon, Agent Miranda.

21 A. Good afternoon.

22 Q. My name is Amy Lee Copeland. I represent Hipolito
23 Martinez-Martinez. Did you have any part in the drafting of
24 this search warrant?

25 A. No, I did not.

1 Q. Did you ever read the search warrant?

2 A. I did not.

3 Q. You just relied on what Detective Rodriguez told you at
4 the operational briefing; is that correct?

5 A. Yes, ma'am.

6 Q. You testified earlier that you were wearing body armor
7 that was clearly marked as an H.S.I. agent and a ball cap; is
8 that right?

9 A. Yes, that's correct.

10 Q. Were you armed?

11 A. Yes, I was.

12 Q. What did you have?

13 A. I had my Glock 19 on a thigh holster.

14 Q. So it was clearly visible --

15 A. It was clearly visible, yes.

16 Q. You have to be able to reach it; correct?

17 A. Yes.

18 Q. How many other officers and agents were there that day?

19 A. There were several officers.

20 Q. Give me a number. How many are several?

21 A. Uh...

22 Q. More than 5?

23 A. More than 5 for sure.

24 Q. More than 10?

25 A. More than 10.

1 Q. More than 15?

2 A. More than 15 probably.

3 Q. More than 20?

4 A. Probably 20, close to 20.

5 Q. Close to 20. How many cars? Do you remember?

6 A. I don't remember exactly how many cars.

7 Q. But there were at least six?

8 A. There was at least -- yes, at least six.

9 Q. And there was a K9 unit there?

10 A. Yes. There was a K9 unit.

11 Q. And there were other officers who also had firearms with
12 them; is that correct?

13 A. Yes, correct.

14 Q. And you were -- testified earlier you were not really
15 there to execute the warrant. You were just there to talk to --

16 A. Well, one of my fields of expertise is human trafficking,
17 so I was there to try to determine whether there was human
18 trafficking victims onsite. That was the main reason I was
19 there really, and also to help with any immigration-related
20 issues that might arise.

21 Q. Right. But is it fair to say you were there more to talk
22 to the various people as opposed to actually going to the door
23 with the gun drawn?

24 A. Yes.

25 Q. And so one of the people that you talked to was Juan

1 Rangel; is that correct?

2 A. That is correct.

3 Q. And I got a little confused about the testimony earlier.

4 I'm a visual person. I want to show you pictures.

5 A. Okay.

6 MS. COPELAND: May I approach, Judge?

7 THE COURT: You may.

8 BY MS. COPELAND:

9 Q. I'm going to show you what's been marked as Government's
10 Exhibit 8 and Government's Exhibit 12.

11 A. Okay.

12 Q. If I understand your testimony correctly, Juan Rangel
13 walked around and showed you who lived where. Which of those
14 two places, if either, did Mr. Rangel live?

15 A. A.

16 Q. He lived in A.

17 A. Yes.

18 Q. So that is not the camper behind the gray mobile home, is
19 it?

20 A. It's back here behind the gray mobile home as far as --
21 the gray mobile home is this one here. This is back here. So
22 that's -- depends on where -- if you're coming in from the road,
23 it would be behind it because the gray mobile home, as you see,
24 is right here. The road comes in this way and that's it right
25 here.

1 Q. But it's not immediately behind it?

2 A. No, it's not immediately behind it, but like I say, if
3 you're coming in the road, it would be in front. Like if you're
4 driving in with the road, it would be in front of Mr. Rangel's
5 trailer.

6 Q. Okay. And so you do recall the dirt road and going to the
7 property kind of winding its way in front of the various --

8 A. Yes, I do.

9 Q. And Mr. Rangel -- Mr. Juan Rangel identified to you who
10 lived where you said.

11 A. Yes, he did.

12 Q. And which vehicle belonged to whom.

13 A. Yes.

14 Q. Did he tell you where Pablo Rangel lived?

15 A. I can't remember.

16 Q. Okay. Would you recall if it were a tan trailer?

17 A. I mean I knew where Pablo Rangel lived because of the
18 search warrant, but -- and speaking to the officers, but I can't
19 remember if he told me or not.

20 Q. And that was in the tan trailer?

21 A. The bigger dwelling as you drive into the property.

22 Q. The nicer --

23 A. The nicer house, yes.

24 Q. It had a Wolf Tree truck behind it. Is that correct?

25 A. It was a Wolf Tree truck. I don't know if it was behind

1 it or beside it, but there was a Wolf Tree truck there.

2 Q. And were you in communication with the other officers
3 during the execution of the warrant?

4 A. Throughout, yes, on and off.

5 Q. Radio abilities?

6 A. No, I did not have auto abilities.

7 Q. But you did see the other officers?

8 A. Yes, I did.

9 Q. And you were never informed that Mr. Martinez was ever a
10 suspect or person of interest in this Montoya murder?

11 A. Not specifically, no.

12 Q. You were never informed that he was the nephew of
13 Mr. Rangel that you were wanting to speak with?

14 A. Mr. Martinez?

15 Q. Yes.

16 A. No, I was not.

17 Q. And you testified earlier that everyone was very
18 cooperative and did not complain about treatment.

19 A. Yes. They did not.

20 Q. Okay. But would you acknowledge that this is a situation
21 that would be very, very upsetting?

22 A. Yes, I would.

23 Q. With the number of agents and the number of guns?

24 A. Yes.

25 Q. And it might be difficult to express some dissatisfaction

1 with that. You can see where that might be an issue?

2 A. I can see that.

3 Q. And you didn't stay with Mr. Martinez the entire time, and
4 you testified earlier you didn't know about his heat issues; is
5 that right?

6 A. That is correct.

7 Q. Did you see an ambulance arrive?

8 A. Yes, I did.

9 MS. COPELAND: Thank you. I have no further questions.

10 THE COURT: All right.

11 MS. HESSE: I don't have any other questions for this
12 witness.

13 MR. BLACKBURN: Anything I could ask would be
14 cumulative. So I'll ask no more questions.

15 THE COURT: All right. Thank you. You may step down.

16 MS. GROOVER: Government has no additional witnesses,
17 Your Honor. Only argument.

18 MS. COPELAND: Your Honor, we'll rely on our written
19 submissions, including Mr. Martinez's affidavit stating that he
20 lived at 135 Milton Rahn Road.

21 THE COURT: All right.

22 MS. HESSE: Same here. We'll rely on what's been
23 submitted and presented in court. I'm confident the Court
24 understands our argument.

25 MR. BLACKBURN: We'll rely on what's submitted, plus

1 Mr. Juan Rangel-Rubio's affidavit which will be submitted today.

2 THE COURT: All right. Well, I've read the briefs.
3 Anything that -- new developments that causes you to need
4 additional time for argument?

5 MS. GROOVER: No, Your Honor.

6 THE COURT: But if you want to sum up what you think the
7 evidence shows, I just ask you to be as brief as you can.

8 MS. GROOVER: Your Honor, there's several reasons why --
9 and Your Honor identified those at the beginning. Several
10 issues. But I think this warrant stands at the end of the day.

11 What we have is the execution of this warrant is not a
12 general warrant, and it does have property description. Yes, it
13 is not the most specific and detailed warrant with respect to
14 every single structure that is to be searched, but it was clear
15 to the detective and clear to the magistrate that the warrant
16 was going to be searching for all of the homes, dwellings,
17 campers, trailers, whatever different words that were called on
18 this -- on the property owned by Pablo Rangel.

19 And there -- and while there are at one point it says
20 Springfield, at one point it says Rincon; sometimes it called it
21 a trailer, sometimes it called it a camper, it is obvious when
22 you read the entire affidavit together that the intent of this
23 warrant was to search all the different dwelling locations on
24 Pablo Rangel's property.

25 THE COURT: Whether it was 275 or 135 or any other

1 number?

2 MS. GROOVER: That is correct. And admittedly, the
3 detective came in -- he never saw the 135. And I think even had
4 he saw 135 and began to search at the front of that trailer
5 instead of the back, it would not have changed the government's
6 analysis in this case at all, because what is in the warrant is
7 probable cause to establish that someone was murdered and we
8 develop a suspect, and the suspect lives on a property with
9 family members and multiple dwellings.

10 THE COURT: Well, there were multiple suspects here.

11 MS. GROOVER: Multiple suspects, and all honing in to
12 this property that was identified as 275 Milton Rahn Road. And
13 the attachments to the search warrant identify 275 Milton Rahn
14 Road as this 26-acre property that had multiple buildings on it,
15 using very different terms, but multiple buildings where people
16 lived. And there's facts in the affidavit that indicate that
17 family members of Pablo Rangel, the owner of this entire piece
18 of land, was possibly in possession of the possible murder
19 weapon. So there is probable cause to search these different
20 trailers for these -- for the weapons. And so agents had that
21 information. The detective had that information and provided
22 that to the magistrate.

23 THE COURT: Well, the affidavit itself, the face of the
24 warrant, and the detective says he told the judge that there are
25 multiple dwellings. That's not necessarily stated in the

1 affidavit. It's stated in the -- on the face of the warrant,
2 multiple dwellings. It's stated on the face of the affidavit,
3 too, that it's not discussed at very -- at great length about
4 how many dwellings we think there are.

5 MS. GROOVER: That is correct.

6 THE COURT: Then they're named in the warrant, with
7 specificity.

8 MS. GROOVER: Several of them are, not all of them.

9 THE COURT: And those are legitimate questions the
10 defense counsel have raised about, well, yeah, you say 275; and
11 of course, Ms. Copeland has questioned the detective, and she
12 pointed out in her briefs, and you say I believe I have probable
13 cause to search 275. Well, one possible interpretation of that
14 is the house that actually has 275, that physical address. And
15 the argument would be, well, that's only one place. That's the
16 tan-colored residence. And if the officer didn't know that,
17 then maybe he should have known that. And you would say the
18 evidence doesn't support that argument.

19 On that issue -- it's not like some of the cases that
20 have been cited, you know, *Maryland V. Garrison* 1(b)(1), where
21 the officers go believing there's one place to be searched, but
22 when they get there, they discover there's two apartments on the
23 third floor of that Park Avenue or Park Street apartment
24 complex. So here it's not where the officers show up and find
25 dwellings they weren't expecting or residences or apartments

1 they weren't expecting. They were expecting multiple.

2 MS. GROOVER: Absolutely.

3 THE COURT: Now, you say that -- we move on eventually,
4 of course, we'll have to -- setting aside the issue about the
5 particularity of the warrant for a moment, you get into the
6 probable cause basis for the issuance of the warrant. And of
7 course, my standard is not *de novo* review of this warrant. It's
8 the great deference standard to see if there is a substantial
9 basis; and of course, then we have the *Leon* doctrine beyond
10 that. But the theory of the government is we're looking for a
11 .22-caliber something, pistol, rifle. And we know there are
12 multiple dwellings and vehicles, and we're asking the judge to
13 give us authority to search all of those places.

14 MS. GROOVER: That is correct. Government --

15 THE COURT: What if the compound had been bigger and
16 instead of four separate dwellings there had been 40?

17 MS. GROOVER: Then you limit it to the description in
18 the warrant. And the description --

19 THE COURT: No, no, no. No. I'm talking about probable
20 cause. I'm talking about probable cause. There had been 40
21 dwelling places inside that 20 acres. Easy to imagine.

22 MS. GROOVER: Easy.

23 THE COURT: Would there have been probable cause to
24 search all 40 for that .22-caliber weapon?

25 MS. GROOVER: It's the government's position that, yes.

1 There's not -- this is not overwhelming probable cause. This
2 is -- this is enough to meet the Fourth Amendment requirement.
3 The government acknowledges that it's not over --

4 THE COURT: I can just be right up front. I wouldn't
5 have issued that warrant, not on this showing.

6 MS. GROOVER: I understand.

7 THE COURT: Not on the words of that affidavit. Not
8 saying that it could not have been framed in a better way that
9 would have established. I'm just saying there are a lot of
10 inferences to be made.

11 MS. GROOVER: There are.

12 THE COURT: It's not where all that was known by the
13 officers -- and that's the job sometimes of a good attorney. Is
14 let's get on paper what's in your head. You're being too
15 abbreviated in your description. Let's put down everything we
16 know to try to bolster this to show that there really is
17 probable cause. But if you start increasing the number of
18 dwelling places on the property, you start stretching the
19 probable cause concept beyond all recognition.

20 MS. GROOVER: The government does say that there is
21 definitely probable cause in this to search the two trailers
22 where the firearms in question --

23 THE COURT: You just won't go with my hypothetical, will
24 you? What if there had been more, though?

25 MS. GROOVER: There weren't in this particular case.

1 And we had probable cause to search the two, but the government
2 acknowledges it is not the strongest --

3 THE COURT: Let's just say eventually your argument
4 would stumble.

5 MS. GROOVER: It probably would, Your Honor, which is
6 why the government also acknowledges that this was executed in a
7 reasonable manner and the officers acted in good faith, because
8 the testimony that Your Honor heard --

9 THE COURT: In good faith. In what way do you say good
10 faith? In good faith in reliance upon that magistrate's
11 judgment about the existence of probable cause?

12 MS. GROOVER: And their good-faith understanding that
13 they have the authority to search all of the dwellings on that
14 property, because as Detective Rodriguez testified, it was his
15 intention and his understanding to search all of the dwellings,
16 the campers, the trailers, the homes, whatever you call it --

17 THE COURT: If you had been drafting this warrant, would
18 you have brought this to me?

19 MS. GROOVER: No, Your Honor. We would certainly have
20 edited it and make it more specific. But at the end of the day
21 an officer --

22 THE COURT: Wouldn't you have referenced the vehicles in
23 each of these places in the affidavit itself?

24 MS. GROOVER: Yes. Yes.

25 THE COURT: And said why we think there's probable

1 cause?

2 MS. GROOVER: Yes.

3 THE COURT: That the gun could be anywhere?

4 MS. GROOVER: Certainly, Your Honor.

5 THE COURT: That Pablo is the henchman? He's in
6 control? These people are under his thumb? He's the
7 mastermind? They do his bidding? They live there at his
8 indulgence? That he's the powerful figure? And the likelihood
9 of him having the weapon in his home is pretty remote, he could
10 get someone else to do his bidding?

11 MS. GROOVER: Yes, Your Honor.

12 THE COURT: I mean if that had been true and truthful,
13 you would have said those things.

14 MS. GROOVER: We would have spelled it out. Absolutely.

15 THE COURT: Building a case that that weapon is not
16 necessarily or even likely to be in his personal residence but
17 somewhere else.

18 MS. GROOVER: Absolutely.

19 THE COURT: This affidavit lacks all of that.

20 MS. GROOVER: It does.

21 THE COURT: In fairness -- I know the detective is here.
22 Even -- and I know Amy Lee says in her brief, in her original
23 brief, the officers apparently believed -- I'm not looking at
24 exact wording here, but I've read it. Apparently believed that
25 they have a license to search all of these structures. And

1 you're saying that was a reasonable belief because it was indeed
2 what the judge gave them a license to do.

3 It further shows that the detective was -- he was in a
4 rush. Well, ferreting out crime is often a hasty and -- you
5 don't have the luxury of time. This is a murder case. It's
6 likely the evidence will disappear if given time. They're
7 moving as fast as they can. They get this warrant typed up. I
8 can see this agent has labored to prepare the affidavit and the
9 warrant. He's labored to do a good job. We're picking at it
10 now. And Lord knows, there's grounds for that.

11 But it seems to me that the concession that was made --
12 it's not a concession. The statement that was made in the --
13 Amy Lee, by you in your initial brief, that they believed they
14 had a warrant. She's just saying it was the wrong belief, that
15 you read the warrant, you can't come to that conclusion. And
16 there's no probable cause to support it.

17 MS. GROOVER: Your Honor, I think the --

18 THE COURT: But it is not the tightest case. I've left
19 particularity behind. I'm talking probable cause.

20 MS. GROOVER: And the government acknowledges that.

21 THE COURT: It's not an airtight case you would like to
22 have.

23 MS. GROOVER: No, it's not. And we acknowledge that,
24 but the government does maintain that above everything else this
25 case does get to the heart of *Leon*, because what we have, we

1 have officers who were diligent in their investigation to
2 quickly locate evidence before it is destroyed. We have
3 officers whose investigation led them to a suspect and did his
4 research on the location of the property where it's owned, the
5 description of the property, spoke with other officers who had
6 been out there, got descriptions from those other officers about
7 what types of dwellings are going to be on there, had
8 information that the guns could be at any other of these 12
9 trailers that family members owned, and he got -- he was
10 diligent in his investigation, and he put that together as
11 quickly as he could in a --

12 THE COURT: It is rather an amazing turn of events that
13 the murder victim has a manilla envelope with the complaining
14 aliens who have been abused by allegedly by Pablo Rangel and
15 that they have come forward confessing to the EEOC that we're in
16 this country unlawfully, in this modern -- this happened back --
17 this year.

18 MS. GROOVER: Yes, sir.

19 THE COURT: After the new administration change.

20 MS. GROOVER: That's correct.

21 THE COURT: And they're confessing that they're illegal
22 and they're being abused by this man.

23 MS. GROOVER: Yes.

24 THE COURT: That he is charging them \$1,500 for their
25 I.D.s and he's withholding pay from them, and if they complain,

1 then there's hell to pay. It's rather amazing that you have
2 these affidavits, these declarations from these illegal aliens.
3 I was surprised and, frankly, encouraged by it, that people had
4 the courage to come forward and do that.

5 MS. GROOVER: And that is why the officers were working
6 so quickly --

7 THE COURT: So the evidence is not just a mother and a
8 wife saying we know the boss did it, but hard evidence to
9 suggest as a motive here, as a grievance.

10 MS. GROOVER: Yes.

11 THE COURT: I mean the evidence is building -- nobody's
12 questioning here -- I mean Pablo is not before the Court. He's
13 not represented by a lawyer here. They would be making an
14 argument for him, I'm sure. But nobody here is asserting that
15 there was a lack of probable cause to search his house. It's
16 the broadening of whether the judge -- whether the agents even
17 sought to broaden it beyond the house, whether they had a
18 license to do so in the face of the warrant that was particular
19 enough to meet the Fourth Amendment and whether there was
20 probable cause to support that broadening out beyond. I
21 understand what the issues are. And --

22 Well, Amy Lee, you want to respond; I know you do.

23 MS. COPELAND: I do, Judge. There's no Fourth Amendment
24 doctrine that says that the ends justify the means. And that is
25 what I'm hearing is the justification for this search, Judge.

1 We talk about was there probable cause to search these other
2 dwellings on the property, and I keep hearing about the
3 reference to the family in the search warrant affidavit. So I'm
4 going to read you the single reference to the family that I hear
5 in the search warrant affidavit. This is from Joel Reyes. He
6 stated he told Eliud to leave Pablo alone since he was going to
7 have him killed. Joel advised he didn't think Pablo could kill
8 Eliud but he has family who could kill him.

9 THE COURT: Yeah.

10 MS. COPELAND: That's it. That's the big basis for
11 family. It goes on in the next paragraph about this nephew,
12 Refugio Ramirez. And they're relying on an arrest from 2014
13 that is two-and-a-half years prior to the search warrant
14 affidavit under this -- under the incident number, it looks like
15 the arrest was on December 23rd, 2014. This was an August 20th,
16 2017 affidavit.

17 So this is stale information. This is two-and-a-half
18 years old. This is seeking a gun that they now say, well, they
19 really don't know that it was a .22. They thought it was a
20 small-caliber handgun, but they really don't know it was a .22.
21 And they're looking for a very, very common gun.

22 The search warrant affidavit states that your affiant
23 firmly believes enough probable cause has arisen to show Pablo
24 is involved in the murder of Eliud Montoya. And then goes on to
25 say that fruits exist inside the residence located at 275 Milton

1 Rahn Road.

2 The affidavit mentions nothing about Mr. Martinez. All
3 of the testimony today, as I understood it, was that everybody
4 believed that Pablo lived in the tan mobile home that had the
5 Wolf truck parked outside of it. That's the first thing you saw
6 when you come down the dirt road.

7 THE COURT: Well, I mean in fairness, it also suggests
8 the nephew lived in a trailer on Pablo's property.

9 MS. COPELAND: But that's not what the affidavit ends
10 with. They don't say that the affiant believes probable cause
11 has arisen to show Pablo is involved and that the nephew --

12 THE COURT: Well, is that statement even needed to get a
13 warrant?

14 MS. COPELAND: Probably not, Judge, but it certainly
15 shows what the police officers believed is the probable cause
16 showing that they are being called upon to make.

17 THE COURT: It somewhat begs the question, though,
18 doesn't it, about, well, what is 275?

19 MS. COPELAND: What is 275 indeed, Judge. And you know,
20 as I read the description of the property, it would be like
21 saying that Amy Lee Copeland lives in a brick house at 1234 Oak
22 Street. It is next door to a cream-colored house and a yellow
23 house. To me this sounds like the description of a
24 neighborhood. It identifies what you're looking for, where it
25 is in space and time. It does not say that, by the way, since

1 you're checking out my house, you can go search my neighbors'
2 houses, too.

3 THE COURT: That would be an interesting concept.

4 MS. COPELAND: That would be an interesting concept
5 because I don't think the Fourth Amendment lets officers --

6 THE COURT: No. The draft has clearly frowned upon --

7 MS. COPELAND: I don't even think we have to take that
8 into the future. I think that that's what they were thinking --

9 THE COURT: It's the very thing that prompted the
10 drafting of the Fourth Amendment.

11 MS. COPELAND: Right.

12 THE COURT: They were tired of the British soldiers
13 coming into their houses --

14 MS. COPELAND: Right.

15 THE COURT: -- without any warrant; just a general go
16 look for evidence. They got tired of it. They had a revolution
17 because of it.

18 MS. COPELAND: Yes. And that's what bothers me. I've
19 got a client who lives at a separately marked trailer with the
20 address that faces the little road that comes down to -- you
21 know, comes down through this 26-acre tract that is never
22 mentioned in this affidavit. I've heard no testimony that
23 anyone thinks that he is Mr. Rangel's nephew or any family
24 member even who is there, and all of a sudden has perhaps a
25 sniper, a K9 unit, 20 armed officers and a whole cavalcade of

1 police officers driving down this dirt road in Effingham County
2 on one of the hottest days of the year, you know --

3 THE COURT: Well, they didn't choose the weather.

4 MS. COPELAND: They didn't choose the weather. But it
5 is a terrifying situation. So you go in to whether the officers
6 acted reasonably in a manner when they executed the warrant.
7 Everybody says that they were looking for Pablo Rangel. The
8 first house they go to is the house that they believe belongs to
9 Pablo. They talked to his wife. I understand they're securing
10 the premises.

11 THE COURT: Of course, that argument is bleeding back
12 into the particularity argument.

13 MS. COPELAND: And I'm good, Judge.

14 THE COURT: If they didn't have the reasonable belief
15 that there was evidence outside of his home, then the whole
16 thing was dead in the water from the get-go.

17 MS. COPELAND: It is, and it doesn't say why they would
18 have thought that. There isn't even any boilerplate recitation
19 about this is a small, easily concealed handgun that could be,
20 you know, found in all sorts of different places. They are
21 clearly in this affidavit looking for Pablo, and they want to
22 look through Pablo's things.

23 THE COURT: A gun's, whether it be rifle or handgun, I
24 mean in the scheme of things, relatively easy to see.

25 MS. COPELAND: It is. Yeah.

1 THE COURT: Well --

2 MS. COPELAND: So, Judge, I just -- I think it's an
3 invalid warrant.

4 THE COURT: I keep having these Fourth Amendment issues,
5 and every time I look up above the bench, there you stand. It's
6 not because of you. You're just getting the luck of the draw in
7 those warrants.

8 MS. COPELAND: That's all right, Judge. I feel --
9 anyway. Thank you.

10 THE COURT: It's been commented that there's nothing
11 left to be said about the Fourth Amendment, that we -- you know,
12 we've exhausted all the endless variety of the factual
13 situations. But cases like this prove those people wrong.
14 Anything else?

15 MS. HESSE: Nothing further, Your Honor.

16 MR. BLACKBURN: I would just reiterate and adopt what
17 Ms. Copeland said. And I think it's very telling that nowhere
18 in this affidavit and application does the officer say that
19 there are numerous dwellings on the property that should be
20 searched because the weapon could be in those other dwellings or
21 in some other building on the property. He only mentions that
22 he firmly believes the fruits of the crime do exist inside the
23 residence located at 275.

24 THE COURT: Yeah. Even the words "the residence."

25 MR. BLACKBURN: The residence. I mean not the residence

1 and the surrounding sheds and buildings and campers and
2 trailers, but just the residence.

3 THE COURT: Yeah. Well, of course, we're -- we have in
4 addition -- you may be seated.

5 In addition to the affidavit, we've got his testimony
6 today about what he meant, but more importantly what he told the
7 state judge. So the affidavit is supplemented, Georgia Law
8 permits that, and we're interpreting a Georgia-issued warrant.
9 And so the fact that there was additional factual statements
10 presented to the magistrate judge, the Court can take into
11 account whatever they're worth.

12 All right. We'll take a -- the parties are excused.
13 However, I'm going to ask government counsel, Mr. Blackburn and
14 his client to remain. Everyone else is excused.

15 (Proceedings concluded at 1:20 p.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2
3 I, Kelly McKee Dorsey, Registered Merit Reporter
4 and Certified Realtime Reporter, in and for the United States
5 District Court for the Southern District of Georgia, do hereby
6 certify that pursuant to Section 753, Title 28, United States
7 Code, that the foregoing is a true and correct transcript of
8 the electronically recorded proceedings held in the
9 above-entitled matter and that the transcript subsequently
10 transcribed by me is true and accurate to the best of my
11 ability to hear and understand the recording, and the page
12 format is in conformance with the regulations of the Judicial
13 Conference of the United States.

14
15 Dated this 2nd day of March, 2018.
16
17
18
19

20 /s/ Kelly McKee Dorsey

21 KELLY MCKEE DORSEY, CCR, RMR, CCP

22 #2731
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